GOVERNMENT OF HYDERABAD

LAW DEPARTMENT

THE HYDERABAD CODE

IN FIVE VOLUMES

VOLUME III

UNREPEALED HYDERABAD ACTS

1358 Fasli—1951 A.D.

(1st OCTOBER, 1948 TO THE END OF DECEMBER, 1951)

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PREFACE.

THIS is the first attempt on the part of the Law Department to codify all the laws of the Hyderabad State and to publish them in the form of a Code. This Code contains almost all unrepealed laws of the State from 1305 Fasli, (1895 A. D.) till the end of August, 1956.

The position of Hyderabad State laws had varied from time to time with the political vicissitudes in the State. Prior to the Police Action (1948) the Ruler of the State had full legislative powers. There used to be a Legislative Council, which passed laws, which were promulgated as Acts with the sanction of the Ruler. The authoritative text of these Acts is in Urdu and they were numbered according to the Fasli calendar, which was then in vogue. Their record was fully maintained in the Law Department.

Apart from the above Acts, the Ruler used to promulgate Regulations (Dasturulamals), as and when necessary, without the medium of the Legislative Council, by issuing Firmans at the instance of various administrative Departments, without the scrutiny or knowledge of the Law Department. The record of such Regulations was not maintained in the Law Department, although they have the full force of law. Some laws of this category were nomenclated as "A'ins" and some as "Rules" both of them having the force of law. As no record was available of the laws of this category, it was found very difficult to examine all the old Gazettes and collect them within the span of time allotted for the publication of the Code. An attempt was, however, made to trace out these laws from the Gazettes and a tentative list was prepared, but it cannot be said to be exhaustive. A large number of these laws have spent themselves and have become dead letters, leaving only a few of them still in force. The authoritative text of these laws is in Urdu.

After the Police Action till the commencement of the Constitution, the legislative powers were exercised at first by the Military Governor and after him by the Chief Minister. The laws enacted during this period were called Regulations, and they were numbered according to the Fasli Calendar, but their authoritative text is in English.

After the commencement of the Constitution till the Constitution of the Hyderabad Legislative Assembly in 1952, the legislative powers continued to be exercised by the Chief Minister, subject to the provisions of the Constitution. The laws enacted during this period were called Acts and they were numbered according to the British Calendar. The authoritative text of these Acts is in English.

It will be seen from the above that while the laws of the State enacted before the Police Action are all in Urdu, those enacted after the Police Action are in English. Another peculiar feature is that all the amendments made after the Police Action in the pre-Police Action Urdu laws are in English with the result that the authoritative text of these laws is partly in Urdu and partly in English. In view of this confusing condition of the laws of this State, no attempt was so far made to publish them in the form of a Code. However, in connection with the Reorganisation of States it has now become an urgent necessity to make available to the successor States and the people a collection of the State laws in the form in which they now stand.

This Code is published in five volumes. Volumes I and II contain the laws from 1305 Fasli (1895 A. D.) to the end of 1357 F. (September, 1948) i. e., till the Police Action. In order to facilitate those, who do not understand Urdu, these two Volumes are printed in diglot style, and English translation of only such portion of the text which is Urdu is given under the column headed " Translation ".

The other volumes, namely, Volume III contains the laws from October, 1948 to the end of 1951 , Volume IV the Acts from 1952 to 1954 and Volume V the Acts from 1955 to the end of

August, 1956. There are a few bills which have been passed by the Assembly, some of which are reserved for the assent of the President and the others sent to Rajpramukh for his assent. They will be published in the form of a supplement to this Code.

The enactments included in this edition are printed as modified upto the end of August, 1956. Amending Acts which make textual amendments to the Principal Acts have been omitted, except those which amend the Central Acts or where the amending Act is such that its printing is necessary.

The pages of each volume are numbered separately and they are issued in the style of a loose leaf binder, in order to make it easier to replace the corrected pages and to keep the Volume up-to-date.

The enactments have been printed in chronological order. A chronological table is prefixed to each Volume. An Alphabetical index of Acts included in the Volume is also annexed at the end of each Volume.

In view of the urgency occasioned due to the States Reorganisation and the consequent trifurcation of Hyderabad State, this edition consisting of five volumes had to be brought out within a period of less than three months. Any shortcomings in the execution of the work will, therefore, have to be viewed in this context and also keeping in view the magnitude and the nature of work involved.

Due to the paucity of time, a part of this work had to be done in private undertakings. This Department takes this opportunity to thank the Government Press and other private concerns who have contributed to the quick completion of the work and also the staff of the Law Department including Translation Section who have been entrusted with this work.

CHANDRAKANT RAO GODSAY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Hyderabad–Deccan,
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THE RESTORATION OF LEGAL PROCEEDINGS REGULATION
No. I OF 1858 Fasli

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SECTIONS.

1. Short title, commencement and extent.

2. Restoration of certain Legal Proceedings.

3. Extension of period.

**TRANSLATION*

THE RESTORATION OF LEGAL PROCEEDINGS REGULATION, 1358 F.

No. I of 1358 Fasli.

(Received the assent of H.E.H. the Nizam on 2nd Zilhaj 1367H./ 6th Azur 1358 F.).

Whereas it is deemed expedient to provide for the establishment of status quo by restoration of Legal Proceedings which were dismissed for default or decided ex-parte on account of disturbed conditions prevailing in the State; It is hereby ordered as follows :—

Short title, Commencement and extent.

1. This Regulation may be called the Restoration of Legal Proceedings Regulation, 1358 Fasli; it shall come into force in the whole of H.E.H. the Nizam's Dominions from the date of its publication in the Jarida.

Restoration of certain Legal Proceedings.

2. Notwithstanding any thing contained in any law for the time being in force all proceedings by way of applications, petitions, suits, appeals, revisions or reviews dismissed for default or decided ex-parte on or after 25th Farwardi 1357 F. to 31st Azur 1358 F. in the Judicial Committee, High Court or Civil and Criminal Courts or in the departments of Revenue or Atiyat including Sarf-e-khas Mubarak and Jagirs in view of the fact that litigants or their lawyers, as the case may be, were unable to attend or did not attend their business or profession shall be restored or re-admitted after setting aside ex-parte decision on the application of any party or his lawyer.

Extension of period.

3. Any suit, appeal, execution petition or any other application which could not be instituted on or after ‡[1st Isfandar, 1357 F. to 30th Dai 1358 F.] on account of the said disturbed conditions, if filed on or before ‡[31st Bahman 1358 Fasli] shall be deemed to have been filed within the period prescribed therefor.

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* The original Regulation which is in urdu was published in the 1st Supplementary Jarida No. I, dated 7th Azur, 1358 Fasli.

‡ As amended by Regulation No. XIV of 1358 Fasli published in Jarida No. 18, dated 29th Bahman, 1358 Fasli.

THE FOREIGN EXCHANGE REGULATION ORDINANCE (REPEALING) REGULATION, 1358 F.

No. III OF 1358 F.

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1. Short title and commencement.

2. Repeal of Ordinance No. 4 of 1357 F.

*THE FOREIGN EXCHANGE REGULATION ORDINANCE (REPEALING) REGULATION, 1358 FASLI.

No. III OF 1358 F.

(*Received the assent of H.E.H. the Nizam on the 30th day of Azur* 1358 *F.*)

Whereas it is expedient to repeal the Foreign Exchange Regulation Ordinance, 1357 F; It is hereby ordered as follows :—

1. This Regulation may be called the Foreign Exchange Regulation Ordinance (Repealing) Regulation, 1358 Fasli and shall come into force from the date of its publication in the Jarida. Short title, and Commencement.

2. The Foreign Exchange Regulation Ordinance, 1357 Fasli is hereby repealed. Repeal of Ordinance No. 4 of 1357 Fasli.

* Published in supplementary Jarida No. 4, dated 30th Azur, 1358 F.

THE SPECIAL TRIBUNALS REGULATION, 1358 F.

No. V of 1358 F.

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3. Jurisdiction of Special Tribunals.

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6. Powers of Special Tribunals.

7. Sentence of Special Tribunals.

8. Exercise and discharge of the Military Governor's powers and duties.

9. Interpretation.

TRANSLATION

*THE SPECIAL TRIBUNALS REGULATION, 1358 F.

No. V of 1358 Fasli.

(*Received the assent of H.E.H. the Nizam on 30th day of Azur* 1358 *F.*)

Whereas it is expedient to constitute Special Tribunals it is hereby enacted as follows :—

Short title, commencement and extent.

1. This Regulation may be called the Special Tribunals Regulation and shall come into force from the date of its publication in the Jarida and shall extend to such areas as the Military Governor may, from time to time by an order in writing, direct.

Constitution of Special Tribunals.

2. The Military Governor may, for the whole or any part of H.E.H. the Nizam's Dominions, constitute Special Tribunals consisting of three members appointed by the Military Governor.

Jurisdiction of Special Tribunals.

3. The Military Governor may, by general or special order, direct that a Special Tribunal shall try any offence, whether committed before or after the commencement of this Regulation or any class of offences and may by any such order direct the transfer to a special Tribunal of any particular case from any other Special Tribunal or any other Criminal Court or direct the transfer of any particular case, from a Special Tribunal to any other Criminal Court.

Procedure of Special Tribunals.

4. (1) A Special Tribunal may take cognisance of offences without the accused being committed to it for trial.

†[(1-A) In respect of any trial held before a Special Tribunal—

(*i*) the Special Tribunal may direct that English shall be the language of the Tribunal;

(*ii*) the judgement may be written in the English language.]

(2) In trials before a Special Tribunal it shall not be necessary to take down the evidence at length in writing, but it shall cause a memorandum of the substance of what each witness

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* Published in the 3rd Supplementary Jarida No. 4, dated 31st Azur, 1358 F.

† As amended by Reg. No. LVII of 1358 F. published in the Extraordinary Jarida No. 34, dated 25th July, 1949.

deposes to be taken down in the English language, and such memorandum shall be signed by a member of the Special Tribunal, and shall form part of the record.

†[(2-A) Nothing in sub-section (2) shall preclude a Special Tribunal from directing in respect of any trial that the evidence shall be taken down at length and where such direction is made—

(*i*) the evidence shall either be taken down by one of the Members of the Tribunal in the English language or taken down in shorthand in the English language by a stenographer and transcribed by him;

(*ii*) the evidence so recorded or, as the case may be, transcribed shall form part of the record].

(3) A Special Tribunal shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interest of justice.

(4) A Special Tribunal shall not, merely by reason of a change in its members, be bound to recall and rehear any witness who has given evidence, and it may act on the evidence already recorded by or produced before it.

(5) After an accused person has once appeared before it a Special Tribunal may try him in his absence, if in its opinion, his absence has been brought about by the accused himself for the purpose of impeding the course of justice or the behaviour of the accused in court has been such as in the opinion of the Special Tribunal to impede the course of justice.

*[(5-A)—(*a*) At any stage of a trial under this Regulation, where two or more accused are before a Special Tribunal, if the Special Tribunal is satisfied, for reasons to be recorded, that any one or more of such accused is or are incapable of remaining before the Special Tribunal, the Special Tribunal may, if such accused is represented by a pleader, dispense with his attendance and proceed with such trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

(*b*) If the accused in any such case is not represented by a pleader, or if the Special Tribunal considers his personal attendance necessary, the Special Tribunal may, if it thinks fit, and for reasons to be recorded by it, either adjourn such trial, or order that the case of such accused be taken up or tried separately.].

(6) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

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† As amended by Regulation No. LVII of 1358 F., published in the Extraordinary Jarida No. 34, dated 25th July, 1949.

* As amended by Act No. XXXIII of 1950.

**[(7) A Special Tribunal shall, in all matters in respect to which no procedure has been prescribed by this Regulation, follow the procedure prescribed for summary trials by magistrates; but for reasons to be recorded in writing a Special Tribunal may follow the procedure prescribed for the trial of warrant cases by magistrates].

Exclusion of public from Special Tribunals.

5. In addition and without prejudice to any powers which a Special Tribunal may possess, by virtue of any law for the time being in force, to order the exclusion of the public from any proceedings, if at any stage, in the course of a trial of any person before a Special Tribunal application is made by the prosecution on the ground that the publication of any evidence to be given or of any statement to be made in the course of the trial would be prejudicial to the public safety, that all or any portion of the public shall be excluded during any part of the hearing, the Special Tribunal may make an order to that effect, but the passing of sentence shall, in any case, take place in public.

Powers of Special Tribunals.

6. A Special Tribunal shall have all the powers conferred by the Hyderabad Criminal Procedure Code on a Court of Session exercising original jurisdiction.

Sentence of Special Tribunals.

†[7. (1) A Special Tribunal may pass any sentence authorised by law.

(2) There shall be an appeal to the High Court from any sentence passed by a Special Tribunal which would have been appealable to the High Court under the Hyderabad Criminal Procedure Code if the sentence had been passed by a Court of Session. But notwithstanding the provisions of the Hyderabad Criminal Procedure Code or of any other law for the time being in force or of anything having the force of law by whatsoever authority made or done, there shall, save as hereinbefore provided, be no appeal from any order or sentence passed by a Special Tribunal, and no court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal or have any jurisdiction of any kind in respect of any proceedings before a Special Tribunal and no sentence of a Special Tribunal shall be *[subject to or submitted for confirmation by any authority whatsoever.

(2-A) For the purpose of the provision in sub-section (2) that no sentence of a Special Tribunal shall be subject to or submitted for confirmation by any authority whatsoever the following sentences, shall, notwithstanding anything contained in any other law for the time being in force, be deemed to be sentences of a Special Tribunal, namely—

** As amended by Regulation No. LIII of 1358 Fasli published in the Extraordinary Jarida No. 31, dated 11th Shehrewar, 1358 Fasli.

† As amended by Regulation No. XXXVI of 1358 F. published in the Jarida Extraordinary No. 23, dated 24-8-1358 F.

* As amended by Regulation No. IV of 1359 Fasli, published in Jarida No. 6, dated 30th Azur, 1359 F.

(*i*) any sentence passed by a Special Tribunal from which no appeal is preferred to the High Court under sub-section (2);

(*ii*) any sentence passed by a Special Tribunal and maintained by the High Court on an appeal so preferred ;

(*iii*) any sentence passed by the High Court on an appeal so preferred in substitution for a sentence passed by a Special Tribunal.

(2-B) Notwithstanding anything contained in any law for the time being in force—

(*i*) any sentence of death passed by a Special Tribunal shall be carried into execution by causing the person sentenced to be hanged by the neck until he be dead ;

(*ii*) warrants of commitments under sentence of death, warrants of execution of a sentence of death and any other instruments issued by a Special Tribunal for which a form is provided in Schedule IV to the Hyderabad Criminal Procedure Code shall, subject to any directions which may be made by Government in this behalf, be issued in such form as the Special Tribunal thinks fit].

*(3) The Military Governor may on such conditions, if any, as he thinks fit, suspend, remit, reduce or alter the nature of, any sentence passed by a Special Tribunal, or any sentence substituted by the High Court on an appeal under sub section (2) for any sentence so passed] :

Provided that the Military Governor shall not alter the nature of such sentence in such manner as to enhance the same.

Exercise and discharge of the Military Governor's powers and duties.

8. The Military Governor may, by order, direct that in such circumstances and under such conditions, if any, as may be specified in the direction, any power or duty conferred or imposed upon him by this Regulation may be exercised or discharged by any other authority.

Interpretation.

9. The Hyderabad General Clauses Act shall apply to the interpretation of this Regulation.

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* Amended by Regulation No. XXXVI of 1358 F.

THE HYDERABAD CURRENCY (REPEAL OF ORDINANCES) REGULATION, 1358 Fasli,

No. VI of 1358 F,

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1. Short title and commencement.

2. Repeal.

3. Revival of section 17, Act III of 1321 F.

TRANSLATION.

*THE HYDERABAD CURRENCY (REPEAL OF ORDINANCES) REGULATION, 1358 F.

No. VI of 1358 F.

(*Received the assent of H.E.H. the Nizam on 31st October,* 1948)

Whereas it is expedient to repeal the Currency Act (Amendment) Ordinance (I of 1357 Fasli), the Currency Act (Amend ment) Ordinance (II of 1357 Fasli) and the Currency Ordinance Extending Ordinance (III of 1357 Fasli); It is hereby ordered as follows:—

Short title and commencement.

1. This Regulation may be called the Hyderabad Currency (Repeal of Ordinances) Regulation, 1358 Fasli and shall come into force at once.

Repeal.

2. The Currency Act (Amendment) Ordinance (I of 1357 Fasli), the Currency Act (Amendment) Ordinance (II of 1357 Fasli) and the Currency Ordinance Extending Ordinance (III of 1357 Fasli), are repealed and shall be deemed to have been repealed with effect from 20th Aban 1357 Fasli.

Revival of Section 17, Act III of 1321 Fasli.

3. Section 17 of the Hyderabad Currency Act of 1321 Fasli before its amendment by the Currency Act (Amendment) Ordinance I of 1357 Fasli and the Currency Act (Amendment) Ordinance II of 1357 Fasli shall continue to be in force with effect from 20th Aban 1357 Fasli as if it had not been amended.

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* Published in the 4th Supplementary Jarida No. 4, dated 31st Azur 1358 Fasli.

THE MILITARY GOVERNOR'S ADMINISTRATION REGULATION, 1358 Fasli.

No. VII of 1358 F.

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3. Validity of acts done prior to this Regulation.

*THE MILITARY GOVERNOR'S ADMINISTRATION REGULATION, 1358 F.

No. VII OF 1358 FASLI.

Whereas the Executive Council has been dissolved;

And whereas it is necessary to make provision for the administration of the Hyderabad State;

Now, Therefore, in exercise of the powers vested in me as the Military Governor of the Hyderabad State and all other powers enabling me in that behalf I hereby make the following Regulation:—

Short title, extent and commencement.

1. This Regulation may be called the Military Governor's Administration Regulation. It shall extend to the whole of the Hyderabad State and shall come into force on the date of its publication in the Gazette.

Exercise of powers and performance of duties by the Military Governor.

2. All the powers exercised or duties performed under any law by the President in Council or by the President or by any Member of the Council shall be exercised or performed by the Military Governor or, subject to such restrictions, if any, as he may impose, by any authority appointed by him in this behalf.

Validity of acts done prior to this Regulation.

3. All acts done before coming in to force of this Regulation by or under the orders of the Military Governor or any authority appointed by him shall be deemed to have been lawfully done.

* Published in the Extraordinary Jarida No. 6, dated 18th Dai, 1358 F.

THE FOREIGNERS REGISTRATION (AMENDMENT) (REPEALING) REGULATION, 1358 F.

No. IX OF 1358 F.

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*THE FOREIGNERS REGISTRATION (AMENDMENT) REPEALING) REGULATION, 1358 F.

No. IX OF 1358 F.

(*Received the assent of H.E.H. the Nizam on* 16*th day of Dai* 1358 F.)

Whereas it is expedient to repeal the Foreigners Registration (Amendment) Regulation; It is hereby enacted as follows:—

1. (*i*) This Regulation may be called the Foreigners Registration (Amendment Repealing) Regulation of 1358 Fasli. Short title and commencement.

(*ii*) It shall come into force at once.

2. The Registration of Foreigners (Amendment) Regulation 1357 Fasli is hereby repealed. Repeal of Regulation XVII of 1357 Fasli.

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* Published in Jarida No, 9 Part I, dated 29th Dai, 1358 Fasli.

THE HYDERABAD CONSTITUENT ASSEMBLY (PREPARATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

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2. Election Commissioner.
3. Power to make rules.

*THE HYDERABAD CONSTITUENT ASSEMBLY (PREPARATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

No. X of 1358 F.

Whereas the Hyderabad Legislative Assembly A'in has been repealed ; Preamble.

And whereas the Hyderabad Legislative Assembly has been abolished ;

And whereas it is expedient to convene a Constituent Assembly for the purpose of framing a constitution for the Hyderabad State ;

Now Therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and all other powers enabling me in that behalf I hereby make the following Regulation :—

1. This Regulation may be called the Hyderabad Constituent Assembly (Preparation of Electoral Rolls) Regulation 1358 Fasli. It shall extend to the whole of the Hyderabad State and shall come into force on the date of its publication in the Gazette. Short title, commencement and extent.

2. The Military Governor may appoint an Election Commissioner for preparing electoral rolls for the Hyderabad constituent Assembly. Election Commissioner.

3. (1) The Election Commissioner may take such measures and may make such rules as he deems fit for the preparation of electoral rolls. Power to make rules.

(2) Without prejudice to the generality of the foregoing provisions, the Election Commissioner may make rules with respect to

(*a*) the determination or delimitation of constituencies for the purpose of returning representatives to the Constituent Assembly ;

(*b*) the qualifications and disqualifications of persons to be included in the electoral roll for any constituency ;

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* Published in the Extraordinary Jarida No. 9, dated 4th Bahman, 1358 Fasli.

(*c*) the procedure to be followed in the preparation of electoral rolls ;

(*d*) the decision of doubts and disputes arising out of or in connection with the preparation of electoral rolls ;

(*e*) the manner in which the rules are to be carried into effect including the provision of penalties for any contravention thereof.

(3) The measures to be taken by the Election Commissioner and the rules to be made by him shall be subject to the approval of the Military Governor or any authority appointed by him in that behalf.

THE AUTHORITATIVE TEXT REGULATION, 1358 Fasli.

No. XVII of 1358 F.

CONTENTS.

SECTIONS.

1. Short title, commencement and extent.

2. English text authoritative.

*THE AUTHORITATIVE TEXT REGULATION,

1358 Fasli.

No. XVII of 1358 Fasli.

Whereas, it is expedient to remove doubts as to which text of a Regulation made after the 18th September 1948 shall be considered to be authoritative;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and all other powers enabling me in that behalf, I hereby make the following Regulation:—

1. This Regulation may be called the Authoritative Text Regulation, 1358 F. It shall come into force at once and shall extend to the whole of the Hyderabad State. **Short title, commencement and extent.**

2. Where a Regulation is published in the Jarida both in English and Urdu, or any other language, the English text shall be considered to be authoritative in the event of disagreement between the texts. **English text authoritative.**

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* Published in Jarida No. 17, dated 24th Isfandar, 1358 F.

THE HYDERABAD SALES OF MOTOR SPIRIT TAXATION REGULATION, 1358 Fasli.

No. XXIV of 1358 F.

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* THE HYDERABAD SALES OF MOTOR SPIRIT TAXATION REGULATION, 1358 FASLI.

No. XXIV of 1358 F.

Whereas it is expedient to provide for the levy of a tax on retail sales of motor spirit in Hyderabad State;

Now, therefore, in exercise of the powers vested in me as the Military Governor of the Hyderabad State and all other powers enabling me in that behalf I hereby make the following Regulation;

1. This Regulation may be called the Hyderabad Sales of Motor Spirit Taxation Regulation, 1358 Fasli and shall come into force at once in the whole of Hyderabad State. Short title, extent and commencement.

2. In this Regulation unless there is anything repugnant in the subject or context:— Definitions.

(*a*) "Commissioner" means a person appointed to be a Commissioner under Section 4;

(*b*) "Government treasury" means a Treasury or sub-treasury of the Government and includes any Office, Branch or Agency of Hyderabad State Bank, transacting treasury business for the Government of Hyderabad State;

(*c*) "importer" means any person who imports motor spirit into Hyderabad State;

(*d*) "motor spirit" means any substance which by itself or in admixture with other substances is ordinarily used directly or indirectly to provide reasonably efficient fuel for automotive or stationary internal combustion engines, and includes petrol, diesel oil, power alcohol, mixture of power alcohol and petrol and other internal combustion oils but does not include furnace oil, kerosene, coal or charcoal;

(*e*) "petrol" means dangerous petroleum as defined in the Hyderabad Petroleum Act No. II of 1319 Fasli;

(*f*) "prescribed" means prescribed by rules made under this Regulation;

(*g*) "retail dealer" means any person who sells or keeps for sale motor spirit for the purpose of consumption by the person by whom or on whose behalf it is or may be purchased.

*Published in Jarida. No. 24, dated 14th Ardibehisht, 1358 Fasli.

(*h*) "retail sale" means a sale of motor spirit by a retail dealer for the purpose of consumption by the person by whom or on whose behalf it is or may be purchased, and the expression "sell in retail" shall be construed accordingly;

(*i*) "Sales Tax Officer" means a person appointed to be a Sales Tax Officer under Section 4; and

(*j*) "wholesale dealer" means any person who sells motor spirit, or keeps motor spirit for sale, to dealers in such spirit, for the purpose of trade.

Explanation.—A sale of motor spirit by a Co-operative Society, or a club, a firm or any association to one of its members for consumption is a retail sale within the meaning of clause (*h*).

Payment of Tax.

3. (1) Subject to the provisions of this Regulation there shall be levied on all retail sales of motor spirit effected after the commencement of this Regulation a tax at the rate of two annas per gallon; and such tax shall be payable by the person effecting the sale:

Provided that the Government may from time to time by notification fix any other rate at which the tax shall be payable.

(2) Where any retail dealers obtain their supplies of motor spirit from an importer or a wholesale dealer, it shall be open to the Government, by agreement with the importer or wholesale dealer, to levy from him in advance the tax which may be payable by the retail dealers under sub-section (1) on the sale by them of the motor spirit and the provisions of this Regulation relating to the assessment and recovery of tax shall, subject to such conditions as may be agreed upon, apply to the importer or wholesale dealer accordingly.

(3) No tax shall be levied under this Regulation on the sale of any motor spirit in respect of which such tax has already been paid.

Exemption of aviation spirit.

*3-A. [Omitted].

Sales Tax Authority.

4. The Government may by a notification in the Jarida appoint a Commissioner and as many Sales Tax Officers as it thinks fit for the purposes of this Regulation. The Sales Tax Officer shall be under the general control of the Commissioner and shall perform his functions in respect of such areas as the Commissioner may direct.

* Omitted by Act No. XII of 1956.

Registration of importers and dealers.

5. (1) No person shall, after the commencement of this Regulation carry on business in motor spirit as an importer or as a wholesale or retail dealer at any place in Hyderabad State unless he has been registered as such under this Regulation:

Provided that persons carrying on business on the date of the enforcement of this Regulation shall be allowed two months from such date to get themselves registered under this Regulation.

Explanation.—Where a person has more than one place of business, whether in the same town or village or in different towns and villages, he shall get himself registered separately in respect of each such place of business.

(2) (*a*) No importer or wholesale dealer shall, unless also registered as a retail dealer under this Regulation, sell motor spirit for consumption or sale in Hyderabad State to any person other than an importer or a wholesale dealer or a retail dealer, registered as such under this Regulation.

(*b*) No retail dealer shall use or transfer for consumption any motor spirit stocked by him without its being included in his accounts and in the next return of retail sales submitted by him under section 6 (*b*).

(3) Application for registration as an importer or a wholesale dealer or a retail dealer under this Regulation shall be made in such forms and to such authority as may be prescribed.

(4) Registration may be made subject to such conditions, if any, as may be prescribed, including in the case of an applicant for registration as a retail dealer, the making of such deposits or the furnishing of such security as the registering authority may consider necessary to ensure the due payment of tax which may from time to time be payable by him.

(5) No person including a company or firm registered as an importer, a wholesale dealer or a retail dealer, shall carry on the business of public transport requiring the use of motor spirit.

(6) Any registration under sub-section (1) may be suspended or cancelled by such authority, for such reasons, and in such manner, as may be prescribed.

Obligation of retail dealers to keep books of accounts and submit returns.

6. Every retail dealer in motor spirit shall in respect of each place where he carries on business—

(*a*) keep books of account in the prescribed form; and

(*b*) submit every month to the Sales Tax Officer a return in the prescribed form and before the prescribed date, showing—

(*i*) the quantity of motor spirit received by him during the preceding month;

(*ii*) the quantity sold by him during such month; and

(*iii*) such other particulars as may be prescribed.

Receipt for payment of tax to be furnished along with return

7. Along with the return referred to in clause (*b*) of Section 6, the retail dealer shall furnish a receipt from a Government treasury for the amount of the tax due in respect of the motor spirit sold by him in retail during the preceding month, according to the return.

Determination of tax by Sales tax Officer in certain cases and recovery thereof.

8. (1) If no return is submitted by a retail dealer under clause (*b*) of Section 6 in respect of any month before the date prescribed in that behalf, or if the return submitted without a receipt for the full amount of the tax due as required by Section 7, or if the return submitted appears to the Sales Tax officer to be incorrect or incomplete, the Sales Tax Officer shall, after making such enquiry as he considers necessary, determine the amount of the tax due from such retail dealer in respect of such month, and the amount so determined less the sum, if any, already paid by him shall be paid by the retail dealer into the Government treasury within 14 days after the demand is made therefor:

Provided that before taking action under this sub-section, the retail dealer shall be given a reasonable opportunity of proving the correctness and completeness of his return.

(2) In default of payment within the period aforesaid, the amount of tax due shall be recovered from the person from whom the tax is due as if it were an arrear of land revenue.

Obligation of importers and wholesale dealers to keep books of account and submit returns.

9. Every importer or wholesale dealer, shall—

(*a*) keep books of account in the prescribed form; and

(*b*) submit every month to the Sales Tax Officer of the area, a return in the prescribed form and before the prescribed date showing--

(*i*) the quantity of motor spirit received by him in the preceding month,

(*ii*) the quantities of motor spirit supplied by him during such month to other importers, wholesale dealers or retail dealers, specifying the name and addresses of each importer, wholesale dealer or retail dealer, the quantities supplied to him, and the dates on which the supplies were made, and

(*iii*) such other particulars as may be prescribed.

Power of entry and inspection.

10. (1) All accounts and vouchers relating to stocks, purchases, sales and deliveries of motor spirit kept by importers, wholesale dealers and retail dealers and the stocks of motor spirit with them shall be open to inspection by such officers as the Government may authorise in that behalf.

(2) Any such officer shall have power to enter and search any building, vessel, vehicle or place where any importer, wholesale dealer or retail dealer carries on business or keeps any stock of motor sirit.

Penalties.

11. Any person who—

(*a*) carries on business in motor spirit as an importer, a wholesale dealer or a retail dealer at any place, without getting himself registered as required by sub-section (1) of Section 5 or when his registration in respect of such place is not in force, or

(*b*) fails to keep books of account as required by clause (*a*) of Section 6 or of Section 9, or

(*c*) fails to submit any return as required by clause (*b*) of Section 6 or of Section 9 on or before the prescribed date, or submits an incorrect or incomplete return, or fails to submit a receipt for the full amount of the tax due as required by Section 7, or

(*d*) fails to pay the tax due from him within the time allowed, or

(*e*) fraudulently evades the payment of any tax due under this Regulation, or

(*f*) acts in contravention of any of the provisions of this Regulation,

shall on conviction by a Magistrate be liable to a fine which may extend to five hundred rupees and where the breach is a continuing one, to a further fine which may extend to ten rupees for every day after the first during which the breach continues.

Motor spirit liable to confiscation in certain cases.

12. The Motor spirit in respect of which an offence against this Regulation is committed and any receptacle in which such spirit is contained shall be liable to confiscation.

Confiscation how ordered.

13. (1) When in any case tried by a Magistrate, the Magistrate decides that anything is liable to confiscation under Section 12, he may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order confiscation or may give the owner an option to pay such fine as the Magistrate deems fit in lieu of confiscation.

(2) When an offence against this Regulation has been committed but the offender is not known, or cannot be found, or when anything liable to confiscation under this Regulation and not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the prescribed officer who may order such confiscation :

Provided that no such order shall be made until the expiration of one month from the date of seizure of the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and the evidence, if any, which they produce in support of their claims.

Jurisdiction to try offences.

14. No Magistrate below the rank of the City Magistrate or a Magistrate of the first class shall try an offence under this Regulation.

Issue of Warrants for arrests.

15. (1) Any officer of the Government specially empowered by them in this behalf may issue a warrant for arrest of any person whom he has reason to believe to have committed an offence against this Regulation.

(2) All warrants issued under this Section shall be executed in accordance with the provisions of the Hyderabad Criminal Procedure Code (No. IV) 1313 Fasli, by a police officer, or if the officer issuing the warrant deems fit, by any other person.

Power of entry and search without warrant.

16. Any officer of the Government, specially empowered by them in this behalf may—

(*a*) enter and search any building, vessel, vehicle, or place in which he has reason to believe that any motor spirit liable to confiscation under this Regulation is kept or concealed ;

(*b*) seize any motor spirit and any receptacle which he has reason to believe to be liable to confiscation under this Regulation ; and

(*c*) detain, search and arrest any person whom he has reason to believe to be guilty of any offence against this Regulation.

Procedure for arrest without warrant.

17. The provisions of Section 45 of the Hyderabad Criminal Procedure Code (No. IV) 1313 F., shall apply to all arrests without warrant made under Section 16.

Offences to be reported, etc.

18. Every officer employed by the Government or by any local body shall be bound to give immediate information at the nearest police station or, to the nearest Sales Tax Officer of all breaches of any of the provisions of this Regulation which may come to his knowledge, and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Power of Investigation.

19. (1) Every Sales Tax Officer or *[every officer of the Police Department] not below such rank as may be prescribed, shall, within the area for which he is appointed, have power to investigate all offences against this Regulation.

(2) Every such officer shall, in the conduct of such investigation, exercise the powers conferred by the Hyderabad Criminal

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* As amended by Regulation No. XXXIII of 1358 F. published in Jarida No, 30, dated 25th Khurdad, 1358 Fasli.

Procedure Code (No. IV) 1313 F., upon an officer in charge of a police station for the investigation of a cognizable offence:

Provided that if such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties, to appear if and when so required before a Magistrate and shall make a full report of the case to the Commissioner.

Offences to be bailable.

20. (1) All offences against this Regulation shall be bailable.

(2) Any officer empowered under Section 19 shall have power to grant bail in accordance with the provisions of the Hyderabad Criminal Procedure Code (No. IV) 1313 F., to any person arrested without warrant for an offence against this Regulation.

Procedure on seizure.

21. When anything has been seized by an officer exercising powers under Section 19, such officer, after such enquiry as he considers necessary—

(*a*) if it appears that such thing is required as evidence in the case of any person arrested, shall forward the thing to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken;

(*b*) if it appears that such thing is liable to confiscation but it is not required as evidence as aforesaid, shall send the thing with the report of the particulars of the seizure to the prescribed authority; and

(*c*) if no offence appears to have been committed, shall return the thing to the person from whose possession it was taken and shall report to the prescribed authority accordingly.

Power to compound offences.

22. (1) The prescribed authority may accept from any person who has committed or is reasonably suspected of having committed an offence against this Regulation, by way of composition of such offence—

(*a*) where the offence consists of a sale of motor sprit in contravention of this Regulation or of the evasion of any tax payable under this Regulation, in addition to the tax payable under Section 3, a sum of money not exceeding five hundred rupees or double the amount of the tax payable, whichever is greater and

(*d*) in other cases, a sum of money not exceeding five hundred rupees.

(2) On the payment of such sum of money and the tax, if any, payable under Section 3, to the prescribed authority, the accused person shall be discharged, the property seized, if any, shall be released and no further proceedings shall be taken against such person or property in respect of such offence.

Cognizance of offences.

23. (1) No Magistrate shall take cognizance of any offence against this Regulation.—

(*i*) except upon the complaint or report of the Sales Tax Officer concerned or other prescribed authority, or

(*ii*) except upon his own knowledge or suspicion.

(2) Except with the sanction of the Government, no Magistrate shall take cognizance of any offence against this Regulation, unless the prosecution is instituted within 6 months from the date on which the offence is alleged to have been committed :

Provided that nothing contained in this sub-section shall apply to any case governed by sub-section (2) of Section 24.

Bar of certain proceedings.

24. (1) No suit, prosecution or other legal proceedings shall lie against an officer or servant of the Government for anything which is in good faith done in pursuance of this Regulation.

(2) No suit shall be instituted against the Government and no suit, prosecution or other proceedings shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Regulation, unless the suit, prosecution or other proceeding is instituted within 6 months from the date of the act complained of.

Appeal.

25. (1) Any person aggrieved by any order passed under this Regulation, not being an order passed by any Court or Magistrate, may appeal to the Commissioner or to such officer as the Government may appoint in this behalf.

(2) The appellate authority may, after giving the appellant an opportunity of being heard, pass such orders on the appeal as such authority thinks fit.

(3) Every order passed in appeal under this Section shall subject to the powers of revision conferred by the Section 26 be final.

Revision.

26. The Commissioner may, at any time, call for and examine the record of any order passed by, or any proceedings recorded by a Sales Tax Officer under this Regulation, for the purpose of satisfying himself as to the legality or propriety of such order, or as to the regularity of such proceedings, and may pass such order in reference thereto as he thinks fit.

Nothing contained in this Section shall apply to the orders or proceedings of any Court or Magistrate.

Power to make rules.

27. (1) The Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for—

(*a*) all matters expressly required or allowed by this Regulation to be prescribed ;

(*b*) the regulation of the sale of motor spirit for the purpose of enforcing the provisions of this Regulation ;

(*c*) the duties and powers of inspecting and other officers appointed or authorised to exercise any powers under this Regulation and the procedure to be followed by such officers ;

(*d*) the form in which, and the time within which, appeals under section 25 may be preferred ; and

(*e*) any other matter for which there is no provision or no sufficient provision in this Regulation and for which provision is, in the opinion of the Government necessary for giving effect to the purposes of this Regulation.

(3) In making a rule under sub-section (1) or sub-section (2), the Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees and, where the breach is a continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach continues.

THE INDIAN UNION POLICE FORCE REGULATION, 1358 Fasli.

No. XXV of 1353 F.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement.

2. Indian Union Police Force deemed to have been enrolled under the Hyderabad District Police Act.

3. Police Force in a district to be under the Civil Administrator.

4. Extension of other Acts to the Hyderabad State.

5. Definition.

6. Reference to the Military Governor.

*THE INDIAN UNION POLICE FORCE REGULATION, 1358 FASLI.

No. XXV of 1358 F.

Whereas it is expedient to regularise the position of the Indian Union Police Force employed in the administration of the Hyderabad State;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and all other powers enabling me in that behalf, I hereby make the following Regulation :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Indian Union Police Force Regulation, 1358 F.

(2) It shall extend to the whole of the Hyderabad State.

(3) It shall come into force at once.

Indian Union Police Force deemed to have been enrolled under the Hyderabad District Police Act.

2. With effect from the date he assumed duty or assumes duty in the Hyderabad State, every member of the Indian Union Police Force shall be deemed to have been enrolled under the provisions of the Hyderabad District Police Act and shall have the powers and duties appertaining to his rank under the Hyderabad District Police Act:

Provided that if any member of the Indian Union Police Force is posted to Hyderabad City, he shall have the powers and duties appertaining to his rank under the Hyderabad City Police Act.

Police Force in a district to be under the Civil Administrator.

3. The entire police force in a district shall be under the control of the Civil Administrator.

Extension of other Acts to the Hyderabad State.

4. If a member of the Indian Union Police Force was also subject to any other Act before he assumed or assumes duty in the Hyderabad State, he shall continue to be subject to that Act as if that Act had been extended *Mutatis mutandis* to the Hyderabad State.

Definition.

5. The expression " Indian Union Police Force " includes members of Armed Constabulary of any Province of India and members of the Mysore State Police Force.

* Published in Jarida No. (25) dated 21st Ardibehisht, 1358 Fasli.

6. If any question of law arises out of this Regulation, it shall be referred to the Military Governor whose opinion shall be conclusive.

Reference to the Military Governor.

THE SALAR JUNG ESTATE (ADMINISTRATION) REGULATION, 1358 Fasli. NO. XXXIV OF 1358 F.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement.

2. Appointment of a committee to administer the estate of the late Salar Jung.

2-A. Incorporation of committee; substitution of committee in suits and proceedings.

3. The Committee to administer the estate.

3-A. Estate vesting in the Committee.

4. No person entitled to possession of the estate.

5. Duration of administration.

6. Committee to render account.

7. Jurisdiction of Court.

8. Power to make rules.

9. Orders authenticated in accordance with rules not to be challenged.

* THE SALAR JUNG ESTATE (ADMINISTRATION) REGULATION, 1358 F.
No. XXXIV of 1358 F.

(Received the assent of H. E. H. the Nizam on the 25th Jamadi-us-Sani, 1368 Hijri-25th Khurdad, 1358 F.)

Whereas it is expedient to appoint a committee to administer the estate of the late Salar Jung;

Now, therefore, it is ordered as follows:—

Short title, extent and commencement.

1. This Regulation may be called the Salar Jung Estate (Administration) Regulation. It extends to the whole of the Hyderabad State. It shall come into force at once.

Appointment of a committee to administer the estate of the late Salar Jung.

2. (1) The Government may by notification appoint a committee consisting of not more than 5 persons (hereinafter called the Salar Jung Estate Committee) for the purpose of the administration of the estate of the late Salar Jung.

(2) The committee appointed by order of H. E. H. contained in Peshi Office D. O. dated 22nd Jamadi-ul-Avval, 1368 Hijri (23rd March 1949) shall be deemed to have been appointed under sub-section (1) of this section and every function performed by that committee heretofore shall be deemed to have been validly performed.

(3) The Government may from time to time change the constitution of the Salar Jung Estate Committee.

Incorporation of committee; substitution of committee in suits and proceedings.

†[2-A. (1) The Salar Jung Estate Committee shall be a Corporate body by that name and shall by that name sue and be sued.

(2) Any civil or revenue suit, appeal, or proceeding pending on the date of the late Salar Jung's death in which the late Salar Jung was a plaintiff, defendant, appellant, respondent, decree-holder, Judgment-debtor, petitioner, or opposite party, shall, notwithstanding anything contained in any other law, be continued with the substitution of the Salar Jung Estate Committee for the late Salar Jung as plaintiff, defendant, appellant, respondent, decree-holder, judgment-debtor, petitioner or opposite party, as the case may be.

(3) If in any such suit, appeal or proceeding as is referred to in sub-section (2) any proceedings have been taken after the death of the late Salar Jung and before the commencement of

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* Published in Jarida No. 32 dated 9-5-1949.

†As amended by Regulation No. LXIV of 1358 Fasli, published in Jarida No. (46) dated the 15th Meher, 1358 F.

the Salar Jung Estate (Administration) (Amendment) Regulation, 1358 Fasli, the proceedings taken after the said date shall upon the commencement of the said Regulation be set aside and the suit, appeal or other proceeding shall thereafter be continued in accordance with sub-section (2) from the stage reached on the death of the late Salar Jung].

The Committee to administer the estate.

3. The Salar Jung Estate Committee shall, under the general control of the Government, administer the estate of the late Salar Jung and in doing so shall have all the powers and duties of the Court of Wards under the Court of Wards Act, 1350 F.

Estate vesting in the Committee.

*[3-A. The estate of the late Salar Jung, including his personal property, shall vest in the Salar Jung Estate Committee and the Committee shall have power to—

(*a*) receive and give full and effectual discharge of rights and liabilities accrued or accruing in respect of the estate, including the personal property;

(*b*) sell, transfer, or otherwise dispose of or deal with the estate, including the personal property].

No person entitled to possession of the estate.

4. No person, including heirs, if any, of the late Salar Jung, shall be entitled to the possession of the estate of the deceased so long as the estate is under the administration of the Salar Jung Estate Committee.

Duration of administration.

5. The estate of the late Salar Jung shall be administered by the Salar Jung Estate Committee until the Government by notification dissolves the committee.

Committee to render account.

6. On the dissolution of the Salar Jung Estate Committee and at any time prior to it, if so required by the Government, it shall render to Government an account of its administration.

Jurisdiction of Court.

7. No suit shall lie against the *[Government of Hyderabad or the Chairman or any Member of the Salar Jung Estate Committee in his personal capacity] for having done anything or purported to have done anything under this Regulation.

Power to make rules.

8. The Salar Jung Estate Committee may make rules with the sanction of the Government to carry out the purposes of this Regulation and in particular for the more convenient transaction of the business of the Committee* [and for the manner in which orders and other instruments made and executed in the name of the Committee shall be authenticated].

* Orders authenticated in accordance with rules not to be challenged.

9. Orders and other instruments authenticated in the manner specified in rules made under section 8 shall not be called in question on the ground that they were not made or executed by the Committee].

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* As amended by Regulation No. LXIV of 1358 Fasli, published in Jarida No. (46) dated 15th Meher, 1358 Fasli.

SARF-I-KHAS (MERGER) REGULATION, 1358 F.
No. XLI OF 1358 F.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement.

2. Date of merger.

3. Debts due to and liabilities due by the Sarf-i-khas.

4. Claims in respect of movable or immovable property.

*THE SARF-E-KHAS (MERGER) REGULATION, 1358 F.

No. XLI of 1358 F.

(*Received the assent of H.E.H. the Nizam on 11th Shaban-ul-Moazzum 1368 Hijri--corresponding to 9th Amardad, 1358F.*)

Whereas it is expedient to make provision consequential to the merger of the Sarf-e-Khas in the Diwani ;

Now, therefore, it is enacted as follows :—

Short title, extent and commencement.

1. (*a*) This Regulation may be called the Sarf-e-Khas (Merger) Regulation.

(*b*) It shall extend to the whole of the Hyderabad state.

(*c*) It shall come into force at once.

Date of merger.

2. The Sarf-E-Khas shall be deemed to have merged in the Diwani on the 5th February, 1949.

Debts due to and liabilities due by the Sarf-e-Khas.

3. (1) All debts due to and all liabilities due by the Sarf-e-Khas on the 5th February, 1949, shall be deemed to be debts due to and liabilities due by the Government.

(2) Suits relating to the aforesaid debts and liabilities shall be instituted by or, as the case may be, against the Government.

(3) Any such suit by or against the Sarf-e-Khas pending at the commencement of this Regulation shall be deemed to have been instituted by or, as the case may be, against the Government.

Claims in respect of movable or immovable property.

4. Claims by or against the Sarf-e-Khas in respect of movable or immovable property shall be made by or against the Government and suits relating to such claims, if any, pending at the commencement of the Regulation shall be deemed to have been filed by or, as the case may be, against the Government.

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*Published in Jarida No. (38), dated 20th Amardad, 1358 Fasli.

THE HYDERABAD VETTI AND BEGAR (PROHIBITION) REGULATION, 1358 Fasli.
No. XLIII OF 1358 F.

CONTENTS

SECTIONS.

1. Short title, extent and commencement.

2. Act involving vetti or begar.

3. Penalty.

*THE VETTI AND BEGAR (PROHIBITION) REGULATION, 1358 F.

No. XLIII OF 1358 F.

Whereas it is expedient to prohibit the practices known as vetti or begar;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf I hereby make the following Regulation :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Vetti and Begar (Prohibition) Regulation, 1358 Fasli.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force on the date of its publication in the Jarida.

Act involving vetti or begar.

2. Whoever (otherwise than under the authority of any provision of Law for the time being in force which expressly permits him so to do) requisitions the services or property of any person for the benefit of, or for use by, Government, or any officer of Government, or any other person, or avails himself of, or uses, any services or property so requisitioned, commits an act involving vetti or begar.

Explanation:—A person requisitions services of property within the meaning of this section if by any means whatsoever he causes services or property to be available otherwise than in pursuance of a free contract.

Penalty.

3. (1) Whoever commits an act involving vetti or begar shall be punishable with imprisonment which may extend to one year or with fine, or with both.

(2) On a prosecution for an offence punishable under sub-section (1), the fact that—

(*a*) payment was made or designed to be made for the requisitioned services or property, or

(*b*) the person whose services were requisitioned was in receipt of Baluta or other customary remuneration for services rendered, shall not constitute a defence.

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*Published in Jarida No. (38), dated 20th Amardad, 1358 Fasli.

THE HYDERABAD WAREHOUSES REGULATION, 1358 Fasli.

No. XLVI OF 1358 F.

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*THE HYDERABAD WAREHOUSES REGULATION, 1358 FASLI.

No. XLVI OF 1358 FASLI.

(Received the assent of H. E. H. the Nizam on 17th Shaban, 1368 H.—15th Amardad, 1358 Fasli.)

Whereas it is expedient to encourage the establishment of private warehouses and make provision for their proper supervision and control; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called the Hyderabad Warehouses Regulation, 1358 Fasli.

(2) It extends to the whole of the Hyderabad State.

**[(3) It shall come into force on such date in such local area in the state of Hyderabad as the Government may by notification in the Official Gazette appoint in this behalf and different dates may be appointed for different local areas].

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context,

(*a*) "Co-operative Society" means a society registered or deemed to be registered under the provisions of the Hyderabad Co-operative Credit Societies Act, 1323 F.;

(*b*) "Depositor" means a person or firm which tenders goods to the warehouseman for storing in his warehouse and includes any person who lawfully holds the receipt issued by the warehouseman in respect of the goods and derives title to it by endorsement or transfer from the depositor or his lawful transferee.

**[(*c*) "Goods" means agricultural produce and cotton as defined in the Hyderabad Agricultural Market Act, 1339, Fasli but does not include the produce of animal husbandry];

(*d*) "Licence" means a licence granted under Section 5 or renewed under Section 7;

(*e*) "Prescribed" means prescribed by rules made under this Regulation;

(*f*) "Prescribed Authority" means the authority empowered by Government to carry out the duties under this Regulation;

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* Published in Jarida No. 39, dated 27th Amardad, 1358 Fasli.

** Amended by Act. No. IX of 1955. published in Gazette Extraordinary No. 119, dated 26th Sept., 1955.

(*g*) "Receipt" means a warehouse receipt, in the form prescribed, issued by a warehouseman to a depositor depositing goods in a warehouse;

(*h*) "Warehouse" means a building, structure or other protected enclosure which is used or may be used for the purpose of storing goods;

(*i*) "Warehouseman" means a person or firm holding a licence for issuing under Section 27 receipts for goods stored in his warehouse.

CHAPTER II.

Licencing of Warehouses.

Prohibition of carrying on business as warehouseman without licence.

3. Subject to the provisions of Section 11, no person or firm shall without a licence carry on the business of a warehouseman or represent or hold himself out as a warehouseman.

Application.

4. Every person or firm desirous of carrying on the business of warehouseman shall take out a licence by making an application to the prescribed authority.

Grant of a licence.

5. The prescribed authority may, on payment of the prescribed fee, grant a licence to such person or firm for the conduct of his business in accordance with the terms of the licence and the provisons of this Regulation and the Rules made there under.

Conditions for grant of licence.

6. Before granting a licence the prescribed authority shall satisfy itself.—

(*i*) that the warehouse is suitable for the proper storage of the particular goods for which a licence has been applied for,

(*ii*) that the applicant is competent to conduct such a warehouse.

(*iii*) that the applicant furnishes to the prescribed authority such security and in such manner as many be prescribed.

(*iv*) that there is no other reason for which the applicant may, in the opinion of the prescribed authority, be deemed to be disqualified, and

(*v*) that the applicant fulfils any other condition which the Government may, by notification in the Jarida, specify in this behalf.

Term and renewal of licence.

7. Every licence shall be valid for the prescribed period and may on the expiry of such period be renewed by the prescribed authority on an application made by the warehouseman in that behalf and on payment of the prescribed fee.

Licences when to be revoked.

8. Every licence shall be liable to be revoked by the prescribed authority for the reasons to be stated in writing in the order of revocation and in particular if the warehouseman—

(*a*) has been adjudged an insolvent;

(*b*) has parted in whole or in part with his control over the licensed warehouse;

(*c*) has ceased to conduct such licensed warehouse;

(*d*) has made exorbitant or unreasonable charges for services rendered by him;

(*e*) has in any manner become incompetent to conduct the business of a warehouseman; or

(*f*) has contravened any of the terms of the licence or any of the provisions of this Regulation and the rules made thereunder or any other condition which the Government may by notification in the Jarida, specify.

Notice to be given before revocation of licence and suspension of licence.

9. (1) Before revoking a licence the prescribed authority shall give notice to the warehouseman specifying the charges against him and calling upon him to show cause why the licence should not be revoked.

(2) After considering the explanation, if any, offered by the warehouseman, the prescribed authority may revoke the licence or pass such orders as it deems just.

(3) The prescribed authority may suspend the licence of a warehouseman pending the decision of the enquiry referred to in sub-sections (1) and (2).

Appeals and revision.

10. (1) An appeal shall lie to the Taluqdar against an order of revocation of a licence within sixty days from the date of such order.

(2) On receipt of an appeal under sub-section (1), the Taluqdar shall, after giving the warehouseman and the prescribed authority an opportunity of being heard, pass such order thereon as he thinks fit.

(3) The Government may at any time call for or examine the record of any proceedings before the prescribed authority or the Taluqdar relating to suspension or revocation of a licence for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed therein, and as to the regularity of such proceedings and may either annul, reverse, modify or confirm such order or pass such other order as it may deem fit.

(4) Every order passed by the prescribed authority under section 9, subject to an appeal or revision as provided in this section and every order passed by the Taluqdar in appeal, subject to such revision, and every order passed by the Government in revision, shall be final and shall not be liable to be questioned in any court of law.

Return of licence.

11. When a licence expires or is suspended or revoked the warehouseman shall cease to carry on the business of a warehouseman and shall return the licence to the prescribed authority:

Provided that the prescribed authority shall after such expiration, suspension or revocation give such reasonable time as it thinks fit to such warehouseman to enable him to wind up the business and notwithstanding anything contained in section 3, the warehouseman may carry on the business of a warehouseman during the said time.

Duplicate licences.

12. Where a licence granted to a warehouseman is lost or destroyed, the prescribed authority may issue a duplicate thereof on an application made in that behalf by the warehouseman and on payment of the prescribed fee.

CHAPTER III.

Duties of a Warehouseman.

Reasonable care of goods stored.

13. Every warehouseman shall take such care of the goods in his custody as a man of ordinary prudence would take of his own goods under similar circumstances and conditions.

Precautions against damage or injury to goods.

14. (1) Every warehouseman shall keep his warehouse in such condition as may be prescribed and in accordance with the terms of the licence in order to prevent loss, or damage or injury to the goods stored in the warehouse.

(2) No warehouseman shall accept for storing in his warehouse goods which are contaminated or infected by worms and pests, and which are likely to cause damage to other goods stored in the warehouse.

Preservation of identity of goods.

15. Every warehouseman shall keep in his warehouse the goods of one depositor so far separate from the goods of other depositor and from other goods of the same depositor for which a separate receipt has been issued as to permit at all times the identification and delivery of the goods deposited:

Provided that where standardised and graded goods are stored in a warehouse, subject to any agreement between the warehouseman and depositor, the same variety of goods belonging to different depositors may be mingled together by the warehouseman and each depositor will be entitled only to his portion of the goods according to weight or quantity as, the case may be, as shown in his receipt.

Goods deteriorating in warehouses and their disposal.

16. (1) Whenever goods stored in a warehouse deteriorate or are about to deteriorate from causes beyond the control of the warehouseman, he shall forthwith give notice of such deterioration to the depositor asking him to take delivery of the goods immediately on surrendering the receipt duly discharged and on payment to the warehouseman of all dues. If the depositor does not comply with the notice within a reasonable time, the

warehouseman may cause such goods to be removed form his warehouse and sold by public auction at the cost and risk of the depositor.

(2) Any person interested in any goods or the receipt covering such goods stored in a warehouse, may in writing, notify the warehouseman of the fact and nature of his interest in the goods and the warehouseman shall keep a record thereof. If the person requests in writing that he be notified regarding the condition of the goods and agrees to pay the charges for such notification, the warehouseman shall notify such person accordingly.

Delivery of goods.

17. Every warehouseman in the absence of any reasonable or lawful excuse shall, without unnecessary delay, deliver the goods stored in his warehouse to the depositor on demand made by him and on surrender of the warehouse receipt duly discharged and on payment of the charges due to the warehouseman. Subject to any agreement between the warehouseman and the depositor, the depositor may take partial delivery of the goods stored in the warehouse.

Accounts, books, etc., to be maintained and kept in safe place by warehouseman.

18. Every warehouseman shall keep and maintain in a place of safety such books, account and records as may be prescribed.

Insurance of goods in warehouses.

19. (1) Every warehouseman shall insure in such manner as may be prescribed the goods stored in his warehouse against loss or damage by fire, floods, theft or any other accident.

(2) Every warehouseman shall be entitled to recover from the depositor at the rate prescribed the charges for insurance in respect of the depositor's goods before delivery thereof and shall have a lien on the said goods in respect of such charges.

Discrimination prohibited.

20. Every warehouseman shall receive for storage therein so far as its capacity permits any goods of the kind customarily stored by him therein, which may be tendered to him in a suitable condition for storing in the usual manner in the ordinary and usual course of business without making any discrimination between persons desiring to avail themselves of the facilities of his warehouse:

Provided that a warehouseman may grant such concessions to a Co-operative society as may be prescribed.

Warehouseman other than co-operative society not to lend money against goods in werehouse.

21. Notwithstanding any thing contained in any law, no warehouseman other than a co-operative society shall, either on his own account or that of others, deal in or lend money on goods which he receives for storage in his warehouse.

CHAPTER IV.

Inspection and Classification of Goods.

22. The prescribed authority may inspect or cause to be inspected, examine, or cause to be examined, the warehouse of

a warehouseman, its machinery, equipment, goods stored therein and the account books and records at any time during business hours for the purpose of satisfying itself that the requirements of this Regulation and the rules made thereunder are complied with.

Licenced weighers, samplers and classifiers.

23. (1) The prescribed authority may issue licences to qualified and competent persons entitling them to act as weighers, samplers and classifiers of any goods stored or to be stored in a warehouse and to issue certificates as to weight, quality or grade of the goods which they have examined.

(2) The certificates issued by weighers, samplers and classifiers as to weight, quality or grade of the goods stored in the warehouse shall, subject to any order in appeal preferred by either of them to the Board of Arbitrators, be binding on the warehouseman and depositor.

(3) The prescribed authority may appoint a board of arbitrators to decide complaints against weighers, samplers and classifiers or warehouseman relating to weight, quality or grade of the goods stored in the warehouse. The decision of the Board of Arbitrators shall be final and shall not be liable to be questioned in a court of law.

Suspension or revocation of licences.

24. Subject to rules made in this behalf every licence granted to a weigher, sampler or classifier shall be liable to be suspended or revoked by the prescribed authority.

Return of licences.

25. Whenever a licence granted to a weigher, sampler or classifier expires or is suspended or revoked, he shall return it to the prescribed authority.

Prohibition of unlicensed weighers, classifiers, etc.

26. No person who is not licensed under this chapter, shall represent or hold himself out as a licensed weigher, sampler or classifier.

CHAPTER V.

Warehouse Receipts.

Issue of receipts.

27. Every warehouseman shall issue receipt in the prescribed form containing full particulars in respect of the goods stored in his warehouse by each depositor.

Receipts transferable by endorsement.

28. A receipt issued by a warehouseman shall, unless otherwise specified on the receipt, be transferable by endorsement and shall entitle its lawful holder to receive the goods specified in it on the same terms and conditions on which the person who originally deposited the goods would have been entitled to receive them.

Duplicate receipts.

29. In case a receipt is lost or destroyed, a warehouseman shall issue a duplicate thereof to the depositor on an application made by him in that behalf. The duplicate receipts shall be issued under such condition as may be prescribed.

CHAPTER VI.

MISCELLANEOUS.

Security amount to be forfeited and recovered as arrear of land revenue.

30. (1) If a warehouseman contravenes any of the conditions of his licence or fails to comply with or acts in contravention of any provisions of this Regulation—

(*a*) the amount of security deposited by him under a bond executed by him under the provisions of this Regulation shall be liable to be forfeited ; and

(*b*) the amount due under such bond shall be recoverable from him or from his sureties or their heirs or legal representatives as an arrear of land revenue.

(2) The Government may make payment out of the amount so forfeited or recovered to any person who may have sustained loss by reason of the warehouseman failing to comply with, or acting in contravention of , any provision of this Regulation.

Penalty.

31. (1) Whoever fails to comply with, or acts in contravention of, any provision of this Regulation shall, on conviction be punishable—

(*a*) in the case of contravention of the provisions of section 3 or section 21, with simple imprisonment which may extend to six months and fine which may extend to Rs. 1,000 ; and

(*b*) in any other case, with fine which may extend to Rs. 1,000.

(2) Where a person committing an offence under subsection (1) is a company, or other body corporate, or an association of persons (whether incorporated or not) every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

No compensation on suspension or cancellation of licence.

32. Where any licence is suspended or cancelled under this Regulation no person shall be entitled to any compensation or the refund of any fee paid in respect thereof.

Power to Government to delegate its powers.

33. The Government may delegate to any officer or authority subordinate to it any of the powers conferred on it by or under this Regulation.

Power to make rules.

34. (1) The Government may subject to the condition of previous publication, make rules for carrying out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely :—

(*a*) the authority empowered to carry out the duties under this Regulation ;

(*b*) the form receipt under clause (*g*) of section 2;

(*c*) the form of application for taking out a licence under section 4 for its renewal under section 7 and for the issue of a duplicate licence under section 12;

(*d*) the fee for grant of a licence and the terms of the licence in accordance with which the business of a warehouseman shall be conducted under section 5 and the period for which the licence shall be valid under section 7;

(*e*) the amount of security and the manner of furnishing the same (including the form of bond) under clause (*iii*) of section 6;

(*f*) the fee for the renewal of a licence under section 7 and for the issue of a duplicate under section 12;

(*g*) the conditions on or under which a licence may be renewed and a duplicate thereof issued;

(*h*) the condition in which a warehouse shall be kept under sub-section (1) of section 14;

(*i*) the books, accounts and records to be kept and maintained under section 18;

(*j*) the manner in which goods shall be insured under sub-section (1) of section 19;

(*k*) the rates at which the charges for insurance shall be recoverable under sub-section (2) of section 19;

(*l*) the concessions which may be granted to a co-operative society under section 20;

(*m*) the qualifications of, and grant of licences to weighers, samplers and classifiers, the conditions on which and the period for which the licences may be granted to them, the form of certificates to be issued by them, the renewal of their licences, the conditions on which duplicate licences may be issued, and the condition under which the licences may be suspended or revoked for the purposes of sections 23 and 24;

(*n*) the conditions under which a duplicate receipt may be issued under Section 29;

(*o*) the publication of the grant, suspension and revocation of licences and the list of warehousemen and their warehouses;

(*p*) the charges to be made by a warehouseman for storing goods in his warehouse;

(*q*) the manner of giving notices under this Regulation;

(*r*) the manner of conducting a pulic auction for the sale of goods deteriorating or about to deteriorate in a warehouse and accounting for the proceeds of such sales by a warehouseman;

(*s*) the classification of goods stored by a warehouseman ;

(*t*) the standard weights and measures to be used by a warehouseman ;

(*u*) the procedure to be followed in proceedings before the Board of Arbitrators and the mode of executing their awards ;

(*v*) generally for the efficient conduct of the business of a warehouseman.

THE HYDERABAD HORSE RACING AND BETTING TAX REGULATION of 1958 F.

No. XLIX of 1358 F.

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*THE HYDERABAD HORSE RACING AND BETTING TAX REGULATION, 1358 F.

No. XLIX OF 1358 FASLI.

Whereas it is expedient to impose a tax on horse racing and on certain forms of betting in connection therewith;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf I hereby make the following Regulation :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Hyderabad Horse Racing and Betting Tax Regulation, 1358 Fasli.

(2) It extends to the whole of the Hyderabad State and shall come into force on such date as the Military Governor may by notification in the Jarida appoint.

CHAPTER I.

TAX ON HORSE RACING.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(*a*) "admission" and "admission to a race meeting" mean admission to a race course on the occasssion of a race meeting thereon;

(*b*) "manager of a race meeting" includes any company, institution, club or other association of persons responsible for the management thereof;

(*c*) "payment for admission" includes any payment made by a person who having been admitted to one part of a race course is subsequently admitted to another part thereof for admission to which a payment involving a tax or a higher rate of tax is required, and any payment for seats or other accommodation in a race course;

(*d*) "race course" means a course at which a race meeting is held and includes the precincts thereof;

(*e*) "race meeting" means a meeting held for the purpose of horse racing.

Tax on Payment for administration to race-meetings.

3. (1) Whenever a race meeting is held at which payments are made for admission, there shall be charged, levied and paid to Government a tax at the rate of 25 per cent on all payments so made.

* Published in the Extraordinary Jarida No. 28, dated 27th June, 1949.

(2) On the application of the manager of such racemeeting Government may permit him on such conditions as they may prescribe—

(*a*) to pay the amount of the tax due by means of a consolidated payment of 25 per cent of the gross sum received by him on account of payments for admission and on account of the tax, or

(*b*) to compound for the aggregate of the tax leviable under sub-section (1) by the payment of such sum as Government may fix in this behalf.

Addmission to race meetings.

4. Unless the manager of such race meeting has made arrangements approved by Government for furnishing returns of the payments for admission and has given security up to an amount and in a manner approved by Government for payment of the tax, no person shall be admitted for payment to any such race meeting, except—

(*a*) with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by Government and denoting that the proper tax has been paid, or

(*b*) in special cases with the approval of Government, through a barrier which, or by means of a mechanical contrivance which automatically registers the number of persons admitted.

Penalty for non payment of tax.

5. If any person is admitted for payment to such race meeting and the provisions of section 4 are not complied with, the manager of the race meeting shall, on conviction by a magistrate, be liable in respect of each such offence to a fine not exceeding five hundred rupees, and shall in addition be liable to pay any tax which should have been paid.

Sections 4 and 5 not to apply in certain cases.

6. The provisions of sections 4 and 5 shall not apply to any race meeting in respect of which the manager has been permitted under sub-section (2) of section 3 to make a consolidated payment, or to compound for the payment of the tax leviable.

Manner of payment.

7. (1) The tax shall be charged in respect of each person admitted for payment, and, in the case of admission by stamped ticket, shall be paid by means of the stamp on the ticket and, in the case of admission otherwise than by stamped ticket, shall be calculated and paid on the number of admissions.

(2) In the case of admission otherwise than by stamped ticket, the tax shall be recoverable from the manager.

(3) Where the payment for admission is made by means of a lump sum paid as a subscription or contribution to any company, institution, club or other association of persons, or for a season ticket or for the right of admission to a series of race meetings or to any race meeting during a certain period of time, or for

any privilege, right, facility or thing combined with the right of admission to any race meeting, or involving such right of admission without further payment or at a reduced charge, the tax shall be paid on the amount of the lump sum :

Provided that where Government are of opinion that the payment of a lumpsum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to a race meeting, or covers admission to a race meeting during any period for which the tax has not been in operation the tax shall be charged on such an amount as appears to Government to represent the right of admission to race meetings in respect of which the tax is payable.

Recoveries.

8. Any sum due on account of the tax shall be recoverable by Government as an arrear of land revenue.

Inspections.

9. (1) Any officer authorised by Government for the purpose may enter any race course while a race meeting is in progress, or at any other reasonable time, with a view to seeing whether the provisions of this Chapter or of any rules made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of any officer so authorised, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction by a magistrate to a fine not exceeding two hundred rupees.

(3) Every officer authorised under this section shall be deemed to be a public servant within the meaning of the Hyderabad Penal Code.

Rules.

10. (1) Government may make rules for securing the payment of the tax and generally for carrying into effect the provisions of this Chapter, and in particular—

(*a*) for the supply and use of stamps or stamped ticket or for the stamping of tickets sent to be stamped ; and for securing the defacement of stamps when used ;

(*b*) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon, and for the payment of the tax on the transfer from one part of a race course to another and on payments for seats or other accommodation ;

(*c*) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier, or mechanical contrivance for payments of a different amount) and for securing proper records of admission by means of barriers or mechanical contrivances ;

(*d*) for the checking of admissions, the keeping of acounts and the furnishing of returns by the managers of meetings to

which the provisions of sub-section (2) of section 3 are applied or in respect of which arrangements approved by Government for furnishing returns are made under section 4;

(*e*) for the renewal of damaged or spoiled stamps; and

(*f*) for the keeping of accounts of all stamps used under this Chapter.

(2) If any person acts in contravention of or fails to comply with, any rules made under sub-section (1), he shall, on conviction by a magistrate, be liable in respect of each offence to a fine not exceeding five hundred rupees.

No tax on admission to race meetings to be imposed under other laws.

11. Notwithstanding anything contained in the Hyderabad Entertainments Tax Act, 1355 Fasli or the Hyderabad Municipal and Town Committees A'in (IV of 1352 F.) or the Hyderabad District Boards A'in (III of 1352 F.), no tax in respect of admission to a race meeting shall be imposed otherwise than under this Chapter.

CHAPTER II.

Taxes on certain forms of betting.

Definitions.

12. In this Chapter—

(*a*) "backer" includes any person with whom a licensed book-maker bets;

(*b*) "bet" includes "wager" and "betting" includes "wagering";

(*c*) "licensed book-maker" means any person who carries on the business or vocation of or acts as book-maker or turf commission agent under a license or permit issued by any racing club or by the stewards thereof to enable him to carry on his business or vocation under the provisions of the Gambling Act, 1305 F., as specified in the license or permit;

(*d*) "prescribed" means prescribed by this Chapter or by the rules made thereunder;

(*e*) "racing club" includes a club, association, society or body of persons corporate or incorporate—

(*i*) formed for the purpose of promoting horse racing or pony racing or for holding race meetings; or

(*ii*) conducting or controlling such meetings;

(*f*) "totalisator" means a totalisator in an enclosure which the stewards controlling a race meeting have set apart in accordance with the Gambling Act, 1305 F., and includes any instrument, machine or contrivance known as the totalisator or any other instrument, machine or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on the like principles.

Tax on totalisators and payment thereof.

13. There shall be charged, levied and paid to the Government out of all monies paid into any totalisator by way of stakes or bets, a tax on backers hereinafter referred to as the totalisator tax, amounting to *[six and one-fourth per cent.] of every sum so paid; and *[six and one-fourth per cent.] of every sum so paid into a totalisator shall be deemed to have been paid by the backer on account of the totalisator tax, and shall be received by the stewards of the race meeting on behalf of Goverment.

Procedure of making over totalisator tax to Government.

14. The stewards of a race meeting shall, at such times and in such manner as may be prescribed, forward to the prescribed officer a return stating the total amount of the monies paid into the totalisator at the meeting, and shall at the prescribed time make over to the prescribed officer the amount of the tax for that meeting.

Accounts of totalisator tax.

15 (1) The stewards of a race meeting shall keep account in the prescribed form of all monies paid into the totalisator at that meeting.

(2) Every person having the custody or control of any such accounts shall, when required in writing by an officer empowered in this behalf by the Goverment, permit such Officer, or an officer authorised in writing by him in this behalf, to inspect and take copies of them.

Betting tax

16. (1) There shall be charged, levied and paid to the Government *[out of all monies paid or agreed to be paid by a backer to a licensed book-maker in respect of a bet] made in an enclosure set apart under the Provisions of the Gambling Act, 1305 F., on any race, a tax on backers, hereinafter referred to as the betting tax, amounting to †[twelve and half per cent.] of all such monies.

(2) The betting tax shall be deducted or collected by the licensed book-maker from such monies at the time *[when the money is paid to him by the backer,] or in the case of credit bets at such time as may be prescribed, and shall be deemed to have been paid by the backer on account of the tax, and shall be retained by the licensed book-maker on behalf of Government.

Procedure for making over betting tax to Government.

17. All sums retained on account of betting tax shall be made over by the licensed book-maker, by whom they have been retained, to the prescribed officer at such times and in such manner as may be prescribed.

Accounts of betting tax.

18. (1) The stewards of a race meeting shall, at such times and in such manner as may be prescribed, forward to the

* Amended by Act No. XVI of 1953, published in Gazette Extraordinary No. 191, dated 7th October, 1953.

† Amended by Act No. XIX of 1950, published in Jarida No. 35, dated 29th May, 1950.

prescribed officer returns setting out the names of the book-makers licensed or permitted by them to carry on the business or vocation of a book-maker at that meeting.

(2) All licensed book-makers shall keep accounts of *[all sums paid or agreed to be paid to them by backers in respect of bets], in such manner as may be prescribed and shall, when required in writing by an officer empowered in this behalf by the Government, permit such officer, or an officer authorised in writing by him in this behalf, to inspect and take copies of such accounts.

Methods of recovery of totalisator tax and betting tax.

19. (1) The totalisator tax payable under section 13 shall be recoverable as a public demand from the racing club conducting the metting and any portion of such tax which is not so recovered shall also be recoverable as a public demand from the stewards of the race meeting jointly and severally.

(2) All monies which a licensed book-maker is liable to make over to the prescribed officer under section 17 shall be recoverable from the licensed bookmaker as a public demand.

*[CHAPTER III.

GENERAL.

Power of Govt. to alter rates of taxes.

19-A. The Government may, from time to time, by notification in the Jarida, make such alteration in the rate of tax specified in section 3, section 13 or section 16 as it deems fit].

Rules.

20. The Government may make rules for securing the payment of the totalisator tax and the betting tax, the production and inspection of Accounts kept under this Chapter, and generally for carrying into effect the provisions of this chapter, and for dealing with such matters as are therein directed to be prescribed.

Amendment of section 3 of the Gambling Act, No. II of 1305 F.

21. For sub-section (2) of section 3 of the Gambling Act, 1305 F., the following sub-section shall be substituted, namely:—

" (2) In this Act, " gambling " includes wagering or betting except wagering or betting upon horse race, when such wagering or betting takes place—

(*a*) on the day on which such race is to be run,

(*b*) in an enclosure which the stewards controlling such race have, with the sanction of the Government, set apart for the purpose, and

(*c*) (*i*) with a licensed book-maker, or

(*ii*) by means of totalisator as defined in section 12 of the Hyderabad Horse Racing and Betting Tax Regulation, 1358 F.,

but does not include a lottery. "

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* Amended by Act No. XVI of 1358, published in Gazette Extraordinary No. 191, dated 7th October, 1358.

THE HYDERABAD HORSE RACING AND BETTING TAX (POSTPONEMENT OF ENFORCEMENT) REGULATION 1358 F.

No. LI of 1358 F.

CONTENTS.

SECTIONS.

1. Short title and commencement.

2. Commencement of Regulation No. XLIX of 1358 F.

*THE HYDERABAD HORSE RACING AND BETTING TAX (POSTPONEMENT OF ENFORCEMENT) REGULATION, 1358 F.

No. LI of 1358 F.

Whereas it is expedient to postpone the coming into force of the Hyderabad Horse Racing and Betting Tax Regulation, 1358 Fasli;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Hyderabad Horse Racing and Betting Tax (Postponement of Enforcement) Regulation, 1358 Fasli.

(2) It shall come into force at once.

Commencement of Regulation No. XLIX of 1358 F.

2. Notwithstanding anything contained in sub-section (2) of section 1 of the Hyderabad Horse Racing and Betting Tax Regulation, 1358 Fasli (hereinafter referred to as the said Regulation) and in the Finance Department Notification No. 41, dated the 26th Amardad, 1358 F., (26th June 1949), the said Regulation shall not be deemed to have come into force, and shall come into force from the 1st day of Aban, 1358 Falsi (1st September 1949).

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* Published in the Extraordinary Jarida No. 29, dated the 6th Shehrewar, 1358 Fasli.

THE HYDERABAD RECORD OF RIGHTS IN LAND REGULATION, 1358 F.

No. LVIII OF 1358 F.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement.

2. Amendment of Section 2 of the Hyderabad Land Revenue Act.

3. Definitions.

4. Preparation and maintenance of record of rights.

5. Acquisition of rights to be reported.

6. Register of mutations and register of disputed cases.

7. Obligation to furnish information.

8. Penalty for failing to furnish information.

9. Division of survey numbers into sub-divisions.

10. Requisition of assistance in preparation of maps.

11. Certified copy of record to be annexed to plaint or application.

12. Refusal of assistance under Section 72 of the Hyderabad Land Revenue Act.

13. Presumption of correctness of entries in record of rights and register of mutations.

14. Bar of suits.

15. Appeal.

16. Inspection and copies.

17. Modification of laws inconsistent with this Regulation.

18. Rules.

19. Repeal and savings.

*THE HYDERABAD RECORD OF RIGHTS IN LAND REGULATION, 1358 F.

No. LVIII OF 1358 FASLI.

Whereas it is expedient to amend the law relating to the preparation and maintenance of a record of rights in land in the Hyderabad State ;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderadad State and of all other powers enabling me in this behalf I hereby make the following Regulation :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Hyderabad Record of Rights in Land Regulation, 1358 Fasli.

(2) It extends to the whole of the Hyderbad State.

(3) In any village in which a record of rights is being prepared in pursuance of section 3 of the Hyderabad Record of Rights in Land Act (No. I of 1346 F.) on the date on which this Regulation is published in the Jarida, or has been completed in pursuance thereof before the said date, this Regulation shall, subject to the provisions of section 19, come into force on the said date.

(4) In any other village this section and section 19 (in so far as it repeals the Hyderabad Record of Rights in Land Act, No. I of 1346 F.) shall come into force on the date of the publication of this Regulation in the Jarida and the remaining provisions of this Regulation shall come into force on the date on which Government by notification directs the said provisions to apply to such village or to a local area including such village :

Provided that Sections 11 and 13 shall not come into force in any village until the expiration of two years from the date of the issue in respect of that village of the notification referred to in sub-section (2) of section 4.

2. In section 2 of the Hyderabad Land Revenue Act :—

Amendment of Section 2 of the Hyderabad Land Revenue Act.

(1) For clauses (6), (7) and (8) the following clauses shall be substituted, namely :—

(6) " to hold land " or to be a " land-holder " or " holder " of land means to be lawfully in possession of land, whether such possession is actual or not ;

(7) " holding " means a portion of land held by a holder ;

* Published in the Extraordrinary Jarida No. 37, dated 2nd Mehir, 1358 F.

(8) " superior holder " means a land-holder entitled to receive rent or land revenue from other land-holder (hereinafter called " inferior holders ") whether he is accountable or not for such rent or land revenue, or any part thereof to Government ;

(8-*a*) " occupation " means possession ;

(8-*b*) " to occupy land " means to possess or to take possession of land.

(8-*c*) " occupant " means a holder in actual possession of unalienated land other than an asami shikmi ; provided that where the holder in actual possession is an asami shikmi, the superior holder shall be deemed to be the occupant ;

(8-*d*) " occupancy " means a portion of land held by an occupant ;

(2) For clause (13) the following shall be substituted, namely :—

" (13) " asami shikmi " means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of an asami shikmi's rights with possession, but does not include a lessee holding directly under Government ;"

(3) For clause (14) the following shall be substituted, namely :—

" (14) " village " includes a town or city and all the land belonging to a village, town or city ;" and

(4) After clause (17) the following clause shall be inserted, namely :—

" (18) " chavdi " includes in any village in which there is no chavdi, such place as the Taluqdar may direct shall be deemed to be the chavdi for the purposes of this Act ."

Definitions.

3. In this Regulation unless there is anything repugnant in the subject or context—

(*a*) " Hyderabad Land Revenue Act " means the Land Revenue Act of His Exalted Highness the Nizam's Dominions (No. VIII of 1317 F.);

(*b*) " landlord " means a lessor ;

(*c*) " land records " means records maintained under the provisions of, or for the purposes of, this Regulation and the Hyderabad Land Revenue Act ;

(*d*) " certified copy " or " certified extract " means a copy or extract, as the case may be, certified in the manner prescribed by section 62 of the Hyderabad Evidence Act ;

(*e*) " prescribed " means prescribed by rules made under this Regulation ;

(*f*) words and expressions used in this Regulation but not defined therein shall have the meaning assigned to them in the Hyderabad Land Revenue Act, the word "tenant" in this Regulation shall have the meaning assigned in that Act to the expression 'Asami Shikmi.'

Preparation and maintenance of record of rights.

4. (1) As soon as may be after the issue of a notification under sub-section (4) of section 1 directing the provisions of this Regulation to apply to a village or local area there shall be prepared and thereafter maintained for that village or, as the case may be, for every village included in that local area, a record of rights in all lands belonging thereto; the said record of rights shall include the following particulars, namely:—

(*a*) the names of all persons who are holders, occupants, owners or mortgagees of land or assignees of the rent or revenue thereof;

(*b*) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching;

(*c*) the rent or revenue (if any) payable by or to any of such persons;

(*d*) such other particulars as may be prescribed:

Provided that notwithstanding anything contained in clause (*a*) the names of tenants shall not be included in the record of rights unless their tenancies are perpetual tenancies or tenancies of any such other description as Government may by notification specify in this behalf either generally or for the purposes of any specified village or of villages included in any specified area.

(2) As soon as may be after the completion of the preparation of the record of rights referred to in sub-section (1) such completion shall be notified in the Jarida and published in such other manner, if any, as Government may direct.

(3) Any person affected by an entry in such record may within a period of two years from the date of the notification referred to in sub-section (2) apply for rectification of such entry to such officer as Government may empower in this behalf.

Acquisition of rights to be reported.

5. Any person who, after the expiry of a period of six months from the date of a notification under sub-section (4) of section 1 directing the provisions of this Regulation to apply to a village or local area, acquires by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise any right as holder, occupant, owner, mortgagee or landlord of land in the village or, as the case may be, in a village included in the local area to which the notification relates, or as assignee of the rent or revenue of such land, shall report his acquisition of such right orally or in writing to the village Patwari within three months from the date of such acquisition, and the village Patwari shall at once give a written acknowledgment of the receipt of such report to the person making it:

Provided that an acquisition of rights as a tenant shall not be required to be reported unless the tenancy is a perpetual tenancy or a tenancy of a description which has been specified either generally or for the purposes of the village concerned or of a local area including that village in a notification under the proviso to sub-section (1) of section 4 ;

Provided further that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall make the report to a village Patwari :

Provided further that any person acquiring a right by virtue of a registered document shall not be required to report the acquisition.

Explanation.—1. The rights referred to in this section include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 88 of the Transfer of Property Act.

Explanation.—2. A person in whose favour a mortgage is discharged or extinguished, or a lease is determined, acquires a right within the meaning of this section.

Register of mutations and register of disputed cases.

6. (1) The village Patwari shall enter in a register of mutations every report made to him under section 5 and shall also make an entry therein respecting the acquisition of any right of a description to which section 5 applies which he has reason to believe to have taken place and of which a report has not been made to him.

(2) Whenever a village Patwari makes an entry in the register of mutations, he shall, at the same time, post a complete copy of the entry in a conspicuous place in the chavdi and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) If any objection to an entry under sub-section (1) in the register of mutations is made either orally or in writing to the village Patwari, it shall be the duty of the village Patwari to enter the particulars of the objection in a register of disputed cases.

(4) Orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by such officers and in such manner as may be prescribed.

(5) Entries in the register of mutations shall be tested by a Revenue Officer of a rank not lower than that of a Tahsildar, who after making such corrections, if any, as he finds to be required shall certify the entries.

(6) After certification in accordance with sub-section (5) entries in the register of mutations shall be transferred to the record of rights in such manner as may be prescribed.

(7) Acquisition of rights in tenancies in respect of which acquisitions of rights are, under the first proviso to section 5 not required to be reported shall, be entered in a register of tenancies in such manner and under such procedure as may be prescribed.

Obligation to furnish information.

7. (1) Any person whose rights, interests or liabilities are required to be or have been entered in any record or register under this Regulation shall be bound, on the requisition of any Revenue Officer or village Patwari engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power :

Provided that no such requisition shall be made by a village Patwari unless it has been previously countersigned by a Revenue Officer of a rank not lower than that of a Peshkar.

(2) A Revenue Officer to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (1) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof.

Penalty for failing to furnish information.

8. Any person failing to make a report required by section 5 or to furnish any information or to produce any document requisitioned under section 7 within the time appointed in section 5 or section 7, as the case may be, shall be liable at the discretion of the Taluqdar to a fine not exceeding twenty five rupees which shall be leviable as an arrear of land revenue.

Division of survey numbers into sub-divisions.

9. (1) Survey numbers may from time to time be divided into as many sub-divisions as may be required whether by reason of the acquisition of rights in land or otherwise.

(2) The division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with rules made under this Regulation :

Provided that the rate of the assessment per acre applicable to any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under section 83 of the Hyderabad Land Revenue Act, unless such assessment is liable to alteration under section 50 of the said Act.

(3) The area and assessment of such sub-divisions shall be entered in such land records as may be prescribed.

Requisition of assistance in preparation of maps.

10. Subject to rules made under this Regulation :—

(*a*) any Revenue Officer or village Patwari may, for the purpose of preparing or revising any map or plan required for

or in connection with any record or register under this Regulation, exercise any of the powers of a Survey Officer under Section 78 of the Hyderabad Land Revenue Act;

(*b*) any Revenue officer of a rank not lower than that of a Second Taluqdar or of a Survey Officer may assess the cost of the preparation or revision of such map or plan, including the cost of clerical labour and supervision, and all other contingent expenses on the lands to which such maps or plans relate, and such costs shall be recoverable as a revenue demand.

Certified copy of record to be annexed to plaint or application.

11. (1) The plaintiff or applicant in every suit or application as hereinafter defined relating to land shall annex to the plaint or application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land.

(2) If the plaintiff or applicant fail to comply with sub-section (1) for any cause which the court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the court and if such certified copy is not so annexed or produced, the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject-matter, with a certified copy annexed.

(3) After the disposal of any case in which a certified copy of any such entry has been recorded, the court shall communicate to the Taluqdar any error appearing in such entry and any alteration therein that may be required by reason of the decree or order, and a copy of such communication shall be kept with the record. The Taluqdar shall in such case cause the entry to be corrected in accordance with the decree or decision of the court, so far as it adjudicates upon any right required to be entered in the record of rights, register of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional court, provided that, in the case of an appellate or revisional decree or order passed by the High Court, the communication shall be made by the court from which the appeal lay or the record was called for.

(4) In this section—

(*a*) "suit" means a suit to which the provisions of the Code of Civil Procedure apply;

(*b*) "application" means an application—

(1) for the execution of a decree or order in a suit;

(2) for the filing of an agreement stating a case for the opinion of the court under the Code of Civil Procedure;

(3) for the filing of an agreement to refer to arbitration under Section 556 of the said Code;

(4) for the filing of an award under Section 559 of the said Code;

(5) for obtaining possession, or removal of obstruction to existing possession under Section 74 of the Hyderabad Land Revenue Act; or

(6) of any other kind to which the Government may, by notification in the Jarida, direct that this section shall apply;

(*c*) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land;

(*d*) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

Refusal of assistance under Section 72 of the Hyderabad Land Revenue Act.

12. Notwithstanding anything in Section 72 of the Hyderabad Land Revenue Act, or in any other orders for the time being in force, the Tahsildar shall refuse assistance to any superior holder, if his claim to such assistance is not supported by an entry or entries duly made in the record or rights, register of mutations or register of tenancies.

Presumption of correctness of entries in record of rights and register of mutations.

13. Any entry in the record of rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

Bar of suits.

14. No suit shall lie against the Government or any officer of Government in respect of a claim to have an entry made in any record or register maintained under this Regulation, or to have any such entry omitted or amended.

Appeal.

15. (1) Any person affected by an order made on an application for rectification under sub-section (3) of Section 4, or by an order made under sub-section (4) or an entry certified under sub-section (6) of Section 6 or by the division of a survey number into sub-divisions or the assessment of such sub-divisions under sub-sections (1) and (2) of Section 9 may, within a period of one month from the date of communication to the party of such order, certification, division or assessment, appeal to such officer as may be empowered by Government in this behalf and the decision of such officer on such appeal shall be final.

(2) The Taluqdar may of his own motion or on the application of a party call for and examine any records made under Section 4 or Section 6 and pass such orders as he may think fit:

Provided that no order which would adversely affect any person shall be passed except after hearing that person.

Inspection and copies.

16. Subject to such conditions and to the payment of such fees as may be prescribed the record of rights and the register of mutations shall be open to the inspection of the public at reasonable hours, and certified extracts therefrom or certified copies thereof shall be given to all persons applying for the same.

Modification of laws inconsistent with this Regulation.

17. (1) In relation to any village in which the provisions of this Regulation are in force by virtue of the proviso to sub-section (1) of section 19 or of a notification under sub-section (4) of section 1, any provisions of the Hyderabad Land Revenue Act or of any other law for the time being in force which are inconsistent with the provisions of this Regulation shall have effect subject to such omissions or modifications as may be required for the removal of the inconsistency.

(2) In particular and without prejudice to the generality of sub-section (1), Sections 103 and 141 of the Hyderabad Land Revenue Act shall have effect in relation to such village as if for the word "pattadar" in each of the said sections there were substituted the word "occupant."

Rules.

18. (1) Government may, by notification, make rules not inconsistent with the provisions of this Regulation to carry out the purposes and objects thereof and for the guidance of all persons in matters connected with the enforcement of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made—

(*a*) regulating the division of survey numbers into sub-divisions and the fixing of the assessment of sub-divisions under Section 9;

(*b*) regulating the construction, laying out, maintenance and repair of boundary marks;

(*c*) regulating the compilation, maintenance and revision of the record of rights and the register of mutations, disputed cases and tenancies, and providing for the forms in which they are to be compiled and the officers by whom the said records and registers are to be tested and revised;

(*d*) regulating the exercise by officers appointed in this behalf and by Revenue Officers of the powers of Survey Officer and the assessment of costs and expenses under section 10;

(*e*) providing for the mode, form and manner in which appeals under this Regulation shall be drawn up and presented;

(*f*) regulating the records, registers, accounts, maps and plans to be maintained for the purposes of this Regulation and the manner and forms in which they shall be prepared and maintained;

(*g*) providing for any matter which is to be or may be prescribed.

(3) In making a rule under this section Government may direct that a breach of the same shall without prejudice to any other consequences of such breach be punishable with fine not exceeding five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication.

19. (1) The Hyderabad Record of Rights in Land Act (No. 1 of 1346 F.) hereinafter in this section referred to as the repealed Act, is hereby repealed: Repeal and savings.

Provided that in respect of any village in which a record of rights is being prepared in pursuance of section 3 of the repealed Act on the date on which this Regulation comes into force, or has been completed in pursuance thereof before the said date, the provisions of this Regulation shall as from the said date have effect as if anything done under the repealed Act had been done under the corresponding provision of this Regulation and in particular as if the record of rights was being prepared in pursuance of a notification issued under sub-section (4) of section 1 of this Regulation, or, as the case may be, as if the record of rights had been prepared in pursuance of such notification and as if its completion had been notified under sub-section (2) of section 4.

(2) For the purposes of the proviso to sub-section (1) of this Section the notification under sub-section (1) of section 3 or sub-section (2) of section 4 in respect of such village shall be deemed to have issued on the date on which the preparation of a record of rights therein was commenced or, as the case may be, completed and if any question arises as regards the date of such commencement or completion the question shall be referred to Government whose decision shall be final.

THE HYDERABAD BOARD OF REVENUE REGULATION, 1358 F.

No. LX OF 1358 F.

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5. Board to be the Court of Wards and the Chief Controlling Stamp Authority.

6. Appellate and revisional powers.

7. Chapter X of the Hyderabad Land Revenue Act to apply.

8. Delegation to and by the Board.

9. Board to exercise Powers of Control.

10. Procedure of the Board.

*THE HYDERABAD BOARD OF REVENUE REGULATION, 1358 FASLI.

No. LX OF 1358 F.

Whereas it is expedient to constitute a statutory Board of Revenue, to confer powers and impose duties on the said Board and in particular to transfer to the said Board the powers and duties heretofore conferred and imposed on Subedars;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following regulation :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Hyderabad Board of Revenue Regulation, 1358 F.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force from the 1st day of August, 1949.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context—

(*a*) "Board" means the Board of Revenue constituted under Section 3;

(*b*) "Hyderabad Land Revenue Act" means the Land Revenue Act of His Exalted Highness the Nizam's Dominions;

(*c*) "Law" includes rules and orders made under a law.

Constitution of the Board.

3. There shall be constituted a Board of Revenue consisting of three Members to be appointed by Government †[one of whom may be designated as Senior Member] to perform such functions as may be prescribed:

Provided that Government may, from time to time, appoint an additional member or members to the Board for such period as it thinks fit.

Abolition of Subedars and transfer of their functions to the Board.

4. As from the commencement of this Regulation—

(1) all appointments to the office of Subedars shall terminate and the territories known as Subas shall cease to exist as such.

(2) references in the Hyderabad Land Revenue Act and in any other law for the time being in force to the Subedar shall be read as referring to the Board:

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*Published in the Extraordinary Gazette No. 36, dated 31st Shahrewar, 1358 F.

†Added by Act No. XXXIX of 1951, published in Gazette Extraordinary No. 62 dated 31st December, 1951.

Provided that Government may by general or special order direct that any power or duty conferred or imposed on the Subedar by the Hyderabad Land Revenue Act or by any other law for the time being in force shall be exercised or discharged by such authority as is specified in the order, and not by the Board.

Board to be the Court of Wards and the Chief Controlling Stamp Authority.

5. Notwithstanding Section 4 of the Hyderabad Court of Wards Act and clause (*vii*) of Section 2 of the Hyderabad Stamp Act the Board shall be the Court of Wards for the purposes of the first named Act and the Chief Controlling Stamp Authority for the purposes of the second named Act.

Appellate and revisional powers.

6. Subject to such conditions and reservations as Government may from time to time prescribe, all appellate and revisional powers for the time being vested in Government in the Revenue Department shall be exercisable by the Board, and notwithstanding anything contained in the Hyderabad Land Revenue Act or in any other law for the time being in force no appeal shall lie from an appellate or revisional order made by the Board by virtue of this section or from an original or appellate order made by the Board in exercise of a jurisdiction transferred to the Board from the Subedar by clause (2) of Section 4.

Chapter X of the Hyderabad Land Revenue Act to apply.

7. The provisions of Chapter X of the Hyderabad Land Revenue Act shall so far as may apply in respect of the acts and proceedings of the Board as if they were the acts and proceedings of a Revenue Officer.

Delegation to and by the Board.

8. Government may by notification in the Gazette—

(*a*) delegate to the Board any power or duty of Government under any law for the time being in force and the Board any power or duty of any other authority under any such law, and may by a like notification withdraw such delegation or transfer;

(*b*) authorise the Board to delegate any of the powers or duties conferred or imposed upon it by or under this Regulation to any other authority and may by a like notification withdraw such authorisation.

Board to exercise powers of Control.

9. The Board shall, subject to the control of Government, exercise powers of superintendence, direction and control over all other authorities in relation to land revenue, excise, customs, registration, stamps and such other matters as Government may from time to time, entrust to its administration.

Procedure of the Board.

10. Government may make rules for the purpose of regulating the transaction of business by the Board and every order made or act done in accordance with such rules shall be deemed to be the order or act, as the case may be, of the Board.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVESION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

No. LXV of 1358 F.

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*THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 Fasli.

No. LXV of 1358 F.

Whereas it is expedient to provide for the preliminary publication, revision, final publication and duration of electoral rolls for constituencies of the Hyderabad Constituent Assembly;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in that behalf I hereby make the follwoing Regulation :—

Short title, commencement and extent.

1. (1) This Regulation may be called the Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 Fasli, and shall come into force from the date of its publication in the Jarida.

(2) It extends to the whole of the Hyderabad State.

Definitions and Interpretations.

2. (1) In this Regulation—

(*a*) The expressions "District" and "Registering Officer" shall have the meanings respectively assigned to them in the Hyderabad Constituent Assembly Electoral (Preparation of Electoral Rolls) Rules, 1358 Fasli;

(*b*) "Form" means a form appended to this Regulation;

(*c*) "Returning Officer" means such person as the Election Commissioner may by notification in the Jarida appoint to be the Returning Officer for a constituency and includes any person who may be, for the time being, appointed by the Returning Officer to be in charge of his duties;

(*d*) "Revising Authority" means the District Judge having Jurisdiction in the area comprised in the constituency concerned;

(*e*) "Rules" means the Hyderabad Constituent Assembly Electoral (Preparation of Electoral Rolls) Rules, 1358 Fasli.

(2) If any question arises as to the interpretation of this Regulation, the question shall be referred for the decision of the Government of Hyderabad and its decision shall be final.

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*Published in the Extraordinary Jarida No. (89), dated 9th Mehir, 1358 Fasli.

Delimitation of constituencies and electoral rolls constituencies.

3. (1) Notwithstanding anything contained in the Hyderabad Constituent Assembly (Preparation of Electoral Rolls) Regulation, 1358 Fasli, the Military Governor shall by notification in the Jarida delimit the constituencies by which representatives shall be returned to the Hyderabad Constituent Assembly and shall by a like notification appoint a place to be the headquarters of each constituency so delimited.

(2) The preliminary electoral roll for every constituency delimited under sub-section (1) shall be compiled from the electoral roll or rolls prepared under the rules for such electoral unit or units constituted thereunder as include areas included in the constituency.

(3) Any person entitled under the Rules to be included in the electoral roll for an electoral unit, and no person not so entitled, shall be entitled to be included in the electoral roll for a constituency:

Preliminary publication of electoral rolls.

Provided that for the purpose of determining the title of a person to be included in the electoral roll for a constituency rule 7 of the Rules shall have effect as if references therein to an electoral unit were references to a constituency.

4. (1) On or before such date as the Election Commissioner may by notification in the Jarida appoint in this behalf, the preliminary electoral roll for every constituency delimited under Section 3 shall be published at the headquarters of the constituency and at the office of—

(*a*) the Civil Administrator of every district,

(*b*) the Deputy Civil Administrator of every division, and

(*c*) every Tahsil,

in which any part of the constituency is situate.

(2) So much of the electoral roll for every constituency as relates to a town, village, municipal area, or cantonment shall also be published in the town, or village, or in the office of the municipal committee or cantonment authority, as the case may be, and where so much of the electoral roll as relates to a municipal area has been prepared by wards so much of the roll as relates to a ward shall be published separately in such ward.

(3) The electoral for every constituency shall be published at the office of the Election Commissioner.

(4) The language or languages in which an electoral roll or part thereof is published under this section shall be the language or languages in which that roll or part was prepared under rule 10 of the Rules.

(5) An electorol roll or part thereof published under this section shall remain open for inspection during the period

Hereinafter provided for the lodging of claims and objections and copies thereof may be made available for sale to the public.

Claims and objections.

5. (1) Whenever an electoral roll or part thereof is published under Section 4, there shall be published along therewith in every place in which such roll or part is published a notice in Form I calling upon persons entered in the roll to lodge in the manner herein prescribed any objection they may have to make to any entry in the roll as published and upon persons not entered but claiming to be entered in the roll to lodge their claim in the manner herein prescribed. A claim or objection may be lodged on behalf of the Registering Authority in the manner herein prescribed in respect of any entry or omission in the roll

(2) Every claim or objection—

(*a*) shall be delivered (personally or by post) to the Revising Authority and if delivered personally shall be so delivered by the claimant or objector or in the case of a claim, by an agent authorised in writing by the claimant;

(*b*) shall be in Form II or III, as the case may be, with the entries in such form duly completed, and shall be signed by the claimant or objector, as the case may be, or, in the case of a claim, by an agent authorised in writing by the claimant;

(*c*) shall be accompanied by three copies of the claim or objection.

(3) Every claim or objection shall be lodged on a day not later than the thirtieth day from the date on which the electoral roll to which it relates was published and not later than 3 p.m. on that day.

Explanation.—For the purposes of this sub-section a claim shall be deemed to be lodged when it is delivered personally to the Revising Authority or, as the case may be, when the postal cover containing the claim or objection is delivered to the Revising Authority.

(4) The Registering Authority shall maintain a register of all claims and objections and shall, as soon as conveniently may be after the expiry of the time within which claims and objections are by sub-section (3) required to be lodged, publish (in Form IV) lists of claims and objections by causing them to be posted for not less than seven days in a conspicuous manner at his Office.

Hearing of claims and objections.

6. (1) The Election Commissioner shall appoint a period within which all claims and objections duly lodged under Section 5 shall be decided and shall communicate that period to the Revising Authority who, if in his opinion it would be impossible for him to decide all such claims and objections within the period so appointed, may transfer any such claim or objection for hearing and decision by any Munsiff of the First Class subject to his civil appellate jurisdiction or by a practising pleader of at least 12 years' standing appointed by him for the purpose.

(2) The Revising Authority on receipt of a claim or objection duly lodged under Section 5 shall fix a date and place for hearing the same and shall give notice in Form V of such date and place to the claimant or objector. The Registering Officer who prepared the electoral roll shall be made a party to such claim or objection, if not already a party thereto, and shall be supplied with a copy of the claim or objection and with notice of the date and place fixed for hearing. Where objection is taken to the entry of any person on the roll, a copy of the objection with notice of the date and place fixed for hearing shall be served on such person in Form VI. A copy of the claim or objection with notice of the date and place fixed for hearing shall be placed on the notice board of the Revising Authority.

(3) Where any copy or notice is to be sent under sub-section (3) such copy or notice shall be sent by post to or served personally on—

(*a*) a claimant or objector, at the address given in the claim or objection; and

(*b*) a person to the entry of whose name objection is taken, at the address given in the objection as verified by reference to the electoral roll. A copy of any notice sent by post shall be deemed to have been duly served.

(4) On the date fixed for the hearing, the parties shall produce before the Revising Authority the evidence on which they rely.

(5) The Revising Authority, after hearing the evidence, if any, adduced on behalf of the parties and after such further inquiries, if any, as he may deem necessary shall pass an order on the claim or objection and shall forthwith send a copy of his order to the Registering Officer.

(6) The order passed by the Revising Authority under sub-section (6) shall be final and shall not be questioned in any court or otherwise.

(7) References in sub-sections (2) to (6) to the Revising Authority shall be read as including references to a Munsiff or pleader to whom a claim or objection has been transferred under sub-section (1).

Amended electoral roll and list of additions—Final publication of roll.

7. (1) The Registering Officer shall make such cancellations in, and shall prepare a list of such additions to, the electoral roll for each constituency as may be required in accordance with the orders passed under Section 6 and where he is not the Returning Officer for the constituency shall forward copies of the amended electoral roll and of the list of additions to the Returning Officer in time to allow of the amended electoral roll being published on the appointed date in the manner prescribed in this section.

(2) The list shall be prepared in the same manner and form as the original roll.

(3) The amended electoral roll and the list of additions shall be published in the manner prescribed for the publication of electoral rolls in section 4, and shall be available for sale to the public on or before such date as the Election commissioner may by notification in the Jarida appoint in this behalf and such publication shall, for the purposes of this Regulation, be deemed to be the final publication of the electoral roll. The roll as finally so published shall remain open to inspection by the public till the date of polling in the constituency concerned.

Duration of electoral roll.

8. (1) The electoral roll shall come into force from the date of its final publication and shall continue in force for a period of five years after the expiration of which period, a fresh electoral roll shall be prepared:

Provided that the Government may, by notification in the Jarida, direct the preparation of a fresh electoral roll at any time before the expiration of the said period.

(2) If any constituency is called upon to elect a member after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall, for the purpose of that election, continue to operate as the electoral roll for the constituency.

Amendment of electoral roll.

9. (1) Notwithstanding any thing hereinbefore contained, any person may apply to the Registering Officer for the amendment of any electoral roll for the time being in force. Such application shall be forwarded to the Election Commissioner, who may, in his discretion, at any time thereafter and for reasons to be recorded by him in writing, direct the Registering Officer to prepare a list of amendments and thereupon all the provisions of this Regulation shall apply in the case of any such list in like manner as they apply in the case of electoral rolls:

Provided that where such application is made for the correction of an existing entry in the electoral roll and the Registering Officer is satisfied after such enquiry as he thinks fit that the entry relates to the applicant and is erroneous or defective in any particular and as to the manner in which such entry should be corrected, he may amend the electoral roll or cause it to be amended accordingly:

Provided further that where such application is made for the entry of the applicant's name in the electoral roll as an elector, the Registering Officer shall, on payment by the applicant of a fee of Rs. 10 make, subject to the general or special order of the Election Commissioner, such inquiry as he thinks fit and shall, if satisfied as to the validity of the applicant's claim, amend the electoral roll accordingly.

(2) Notwithstanding anything hereinbefore contained, the Returning Officer may, at any time, of his own motion or on the application of any person, correct any clerical, printing or like error in an electoral roll affecting only the particulars relating to a person whose name is included therein. But nothing

in this sub-section shall be deemed to empower the Returning Officer to include in the roll a person not included therein or to exclude from a roll a person included therein.

(3) Upon the final publication of any list of amendments under sub-section (1) of this section read with sub-section (3) of Section 7 and upon the making of any correction or amendment under a proviso to sub-section (1) or under sub-section (2) of this section, the electoral roll to which such list of correction or amendment relates shall be deemed to have been amended accordingly.

Electoral roll to be conclusive proof.

10. The electoral roll for any constituency as for the time being in force, that is to say, the roll as finally published under sub-section (3) of Section 7 or, as the case may be, as so finally published and as deemed under sub-section (3) of Section 9 to have been amended, shall be conclusive proof for the purpose of determining whether any person is an elector in such constituency.

Safe custody and preservation of electoral rolls and other papers connected therewith.

11. (1) The papers mentioned in column 1 of the schedule here to annexed shall be kept by the Officers mentioned in the second column for the period specified in the third column thereof.

SCHEDULE.

Description of document or record.	By whom kept.	Period for which kept.
1. Preliminary electoral rolls.	Election Commissioner or such other officer as may be authorised by the Government in this behalf.	One year from the date of publication.
2. Claims and objections to registration under Section 5 and the order of the Revising Authority thereon.	The Revising Authority.	One year from the date of the order.
3. Applications to the Registering Officer under Section 9.	The Registering Officer concerned.	One year from the date of disposal.
4. Final electoral rolls (three copies of each electoral roll).	The Election Commissioner or such other officer as may be authorised by the Government in this behalf.	Until the final publication of a fresh electoral roll.

(2) Any member of the public shall have a right to inspect any of the papers specified in the preceding sub-section on payment of a fee of Rs. 2 and to obtain a certified and attested copy thereof on payment of the same fees as are prescribed for copies of Revenue records.

Power to remove difficulties.

12. If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such electoral roll under the Rules and this Regulation, the Election Commissioner may do anything not inconsistent with the Rules and this Regulation which appears to him to be necessary for the preparation or publication of the electoral roll or the list of amendments.

FORM I.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 FASLI.

Form of Notice inviting Claims and Objections.

Section 5.

Electoral Roll of the.....Constituency.

A draft list of the electors of the above named roll is herewith published for general information. All claims to be included in this roll must be made in Form II and all objections to any name entered therein in Form III, and they should be presented not later than the..... day of.....Fasli to the revising authority.

2. The Revising Authority for the roll is.....

(Address).....

.....

.....

3. Claims and objections shall be addressed to the Revising Authority and shall be presented in person or sent by post to the Revising Authority.

Dated.....

Place.....

Registering Officer.

Note—Copies of the Forms will be supplied gratis by the Registering Officer on application. It is, however, open to any claimant or objector to use copies of the Forms made privately.

FORM II.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

Claim for Inclusion in the Electoral Roll.

Section 5 (2) (*b*).

To

The Revising Authority.....

Claim for inclusion in electoral roll of.....

.....Constituency.

Claimant's name .....

*Son/Wife/Daughter of.....Resident .....

at.....Village .....

Unit.....Taluq.....

District.....

The claimant has the following electoral qualification, *viz*:—

in support of which the claimant submits with the claim the following original/certified copies of documents, ***viz*:—

The claimant will also produce the following evidence, ***viz*:—

Declaration.

The above particulars are true and correct in all respects. The claimant is a subject of H.E.H. the Nizam and has attained the age of 21 years on the 1st January 1948 A.D. The claimant has resided for not less than 180 days in the calendar year 1947, A.D., at the above address within the meaning of Rule 7 of the Hyderabad Constituent Assembly Electoral (Preparation of Electoral Rolls) Rules, 1358 F., and has not claimed to be included or has not been included in the electoral roll of any other place.

Signature or thumb impression of claimant.....

Signature of person signing on behalf of claimant.....

Address of person signing if not the claimant.....

---

* Strike out the words not required.

** As in the manner provided for in the Hyderabad Civil Procedure Code.

NOTE :—Any false declaration made by a person for the purposes of this claim will render such person liable to prosecution under the Penal Code.

ENDORSEMENTS

(For official use only)

Received in the Office of.....

at.....(Place) on.....

1949, at.....(time).

Signature and Designation of Receiving Officer.

Forwarded for disposal to (Name) .....

(Designation).....being the Revising Authority concerned.

Date.....

Place.....

Signature and Designation (if not the Revising Authority).

Decision of Revising Authority.

Signature and Designation of Revising Authority.

FORM III.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATIONS, 1358 F.

Objection to Registration of Votes

Section 5 (2) (*b*).

To

The Revising Authority.....

I hereby give notice that I object to the entry of*.....

.....on the electoral rolls of.....

as serial No.....in the rolls for.....

Village of.....Taluq .....

in the District.....

The grounds of my objection are.....

.....

in respect of which I submit with this objection the following original certified copies of documents, *viz* :—**

I shall also produce the following evidence, *viz.* :—**

I declare this objection to be true to my own knowledge and information.

Signature or Thumb Impression of objector.....

Entered on the electoral roll of.....

Constituency as serial No.....in roll for.....

.....Village of.....

Taluq.....in District.....

Present Address .....

Date.....

---

* Here insert name as it appears in electoral roll.

** As in the manner provided for in the Hyderabad Civil Procedure Code.

ENDORSEMENTS.

(For Official use only).

Received in the Office of.....

at.....(place) on .....

1949, at ..... (time).

Signature and Designation of Receiving Officer.

Forwarded for disposal to (Name).....

(Designation).....being the Revising Authority concerned.

Date.....

Place.....

Signature and Designation
(if not the Revising Authority)

Decision of Revising Authority.

Signature and Designation of Revising Authority.

FORM IV.

The Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 F.

Section 5 (4).

List of claims and objections for the.....constituency.
The following persons have made claims for registration.

District	Serial No.	Name of the claimant.	Father's (in case of married woman husband's name.	Address.	Village or Municipal area in the electoral roll of which the registration is claimed.

Objections have been received regarding the following entries in the rolls for constituency.

District and Village or Municipal area.	Serial No.	Name of person against whom the objection is preferred and number on roll.	Father's (in case of married woman husband's name.)	Address.	Name of objector.	No. on roll of. objector	Address.

Date of publication.....

Signature & Designation of Registering Officer.

FORM V.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

Form of Notice specifying time and place of hearing.

Section 6 (2).

To

.....

of.....

You are hereby infomed that your claim/objection in respect of the electoral roll of the..... constituency will be heard at.....at..... o' clock on the.....day of.....and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Signature and Designation of Revising Authority.

Date.....

Place.....

Certified that this notice has been duly served by me this..... .....day of .....

Signature .....

Designation.....

Date.....

FORM VI.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

Form of Notice of objection.

Section 6 (2).

To

.....

of.....

Whereas objection has been made by.....of.....

.....to the inclusion of your name in the electoral roll of the.....constituency on the ground that.....

.....

You are hereby informed that the objection will be heard at.....

.....at..... o'olock on the.....day of.....and you are directed to be present at the hearing with such evidence as you may wish to adduce.

2. A copy of the objections is forwarded to you herewith for retention by you for your use.

Date.....

Place.....

Signature and Designation of the Revising Authority.

Certified that this notice has been duly served by me this.....

.....day of.....

Signature .....

Designation.....

Date .....

THE HYDERABAD (ABOLITION OF JAGIRS) REGULATION, 1358 FASLI.

No. LXIX OF 1358 F.

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*THE HYDERABAD (ABOLITION OF JAGIRS) REGULATION, 1358 FASLI.

No. LXIX OF 1358 F.

Whereas it is expedient to abolish jagirs and to provide, pending the determination of terms of commutation, for the payment to Jagirdars and Hissedars of certain interim allowances;

Now, therefore, in exercise of the authority vested in me for the Administration of the Hyderabad State and of all other powers enabling me in that behalf, I make the following Regulation :—

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called the Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli.

(2) It shall extend to the whole of the Hyderabad State.

(3) It shall come into force on the date of its publication in the Jarida.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context :—

(*a*) "Excise Revenue" means revenue from country liquor, toddy, mohwa flowers, opium and ganja;

(*b*) "Existing law" means law in force at the commencement of this Regulation, including Atiyat law, Custom or usage having the force of law, and the terms of any grant and including also orders made under existing law;

(*c*) "Guzarayab" means a person who under a lawful order passed before the commencement of this Regulation is entitled to a maintenance allowance from the income of a Jagirdar or Hissedar or of a Jagir;

(*d*) "Haq-e-intazam" means the money which under the existing law is paid to a Jagirdar as his remuneration for managing the jagir;

(*e*) "Hissedar" means a person who is entitled to a share in the income of a jagir according to the existing law;

(*f*) "Jagir" includes a Paigah, Samasthan, part of a jagir, village Mukhta, village Agrahar, Umli and Mukasa, whether granted by a Ruler or a Jagirdar, and, as respects the period commencing on the date appointed for a jagir under Section 5, means the estate there-to-fore constituting a jagir;

*Published in Extraordinary Jarida No. (40), dated 15th Mehir, 1358 Fasli.

(*g*) " Jagir Administrator" means the Jagir Administrator appointed under sub-section (1) of section 3 and, subject to the rules under this Regulation referred to in sub-section (2) of Section 3, all references to the Jagir Administrator shall be read as including a reference to an Assistant Jagir Administrator ;

(*h*) " Jagirdar " means the person who immediately before the date appointed under Section 5 was the holder (qabiz) of a jagir and includes the Amir of a Paigah and the Vali than ;

(*i*) " Year of account " means the Fasli year, or where the accounts of a jagir are maintained according to a year of another era, the year according to that era ..

Appointment of Jagir Administrator.

3. (1) The Military Governor shall appoint a Jagir Administrator and as many Assistant Jagir Administrators as he considers necessary for the due administration of this Regulation.

(2) Any power conferred or duty imposed by this Regulation on the Jagir Administrator may, save as otherwise provided in rules made thereunder, be exercised or discharged by an Assistant Jagir Administrator appointed under sub-section (1).

Appointment of Jagirdars to cease.

4. After the commencement of this Regulation, no person shall be appointed to be, or be recognised as, a Jagirdar whether in succession to a deceased Jagirdar or otherwise.

PART II.

TRANSFER OF ADMINISTRATION AND THE CONSEQUENCES THEREOF.

Appointment of dates for transfer of administration.

5. (1) As soon as may be after the commencement of this Regulation, the Military Governor sall appoint a date for the transfer to Government ot the administration of jagirs and may appoint different dates for different jagirs.

(2) On the date so appointed for any Jagir (hereinafter referred to as the appointed day) the Jagirdar shall make over the management of the Jagir to the Jagir Administrator and shall furnish him with an account of the revenue received and expenditure incurred on account of the Jagir in the current, or, if the Jagir Administrator so requires, in the immediately preceding year of account, in so far as such revenue and expenditure are attributable to that year.

(3) If the Jagirdar fails to comply with the provisions of sub-section (2) to the satisfaction of the Jagir Administrator, or obstructs the access of the Jagir Administrator to a y lands or buildings belonging to the jagir, or fails to furnish the Jagir Administrator with any documents relating to she adminisfration of the jagir, the Jagir Administrator may use or cause to be used such force as may be necessary for the purpose of entering upon any such lands or buildings of or securing possession of any such documents.

(4) If in any jagir, a Jagirdar is not in existence on the appointed day, the Jagir Administrator shall require the duties imposed upon the Jagirdar by sub-section (2) to be discharged by such one of the Hissedars as he may designate for the purpose, and references in sub-sections (2) and (3) of this section and in sub-section (4) of Section 13 to the Jagirdar shall be read as referring to the Hissedar so designated.

6. As from appointed day—

Powers, rights and liabilities as from the appointed day.

(1) The jagir shall be included in the Diwani and unless and until included in a district constituted under the Hyderabad Land Revenue Act, shall be administered by the Jagir Administrator;

(2) the powers, rights and liabilities of the Jagirdar in relation to the jagir shall cease to be exercisable and enforceable by or against the Jagirdar, and shall be exercisable and enforceable by or against the Jagir Administrator:

Provided that where the Jagirdar has on or after the 1st October, 1948, entered into a contract in relation to a jagir the performance of which has not been completed before the appointed day, the Jagir Administrator may repudiate the contract if in his opinion it was not entered into in the normal course of management of the jagir, and where the Jagir Administrator so repudiates such contract any damages recoverable in respect of the repudiation shall be recoverable from the Jagirdar alone:

Provided further that where the Jagirdar has on or after the 1st January, 1949, effected a mortgage, lease, or other transfer of property included in the jagir and the Jagir Administrator is of opinion that the mortgage, lease or other transfer was effected not in the normal course of management of the jagir but in anticipation of legislation for the abolition of jagirs, the Jagir Administrator may cancel the mortgage, lease, or other transfer and any damages recoverable in respect of the cancellation shall be recoverable from the Jagirdar alone;

(3) all expenditure incurred by the Jagir Administrator on the administration of a jagir shall be defrayed from the revenue of the State;

(4) no Jagirdar shall recover or receive any customary or other dues from any tenant or resident of the Jagir;

(5) no Jagirdar shall in his capacity as such be required to pay the educational cess, or the cess for the maintenance of the Jagirdars' College, or any other cess imposed by Government;

(6) no Peshkash, Haq-e-Malikana or pan shall be payable by a Jagirdar in respect of the Fasli year 1359 or any subsequent year;

(7) the share of a Jagirdar or Hissedar in the net income of a Jagir, and the maintenance allowance of a Guzarayab, shall be inalienable save with the previous sanction of Government; not more than one half of such share or allowance shall be liable

to attachment and sale in any one year of account in execution of a decree and no part thereof shall be so liable, save with the previous sanction of Government;

(8) if a Jagirdar or Hissedar dies, his share in the net income of the Jagir, including his share in the Haq-e-Intazam, shall devolve in accordance with his personal law:

Provided that in the case of a Muslim Jagirdar or Hissedar the principle of Hijb Hirman shall not apply and that in the case of a male Hindu Jagidar his share shall be deemed to be his separate property;

(9) If a Jagirdar or Hissedar dies and leaves no heir entitled to inherit, his share, in the case of a Jagir granted by a ruler, shall lapse to Government, and in the case of a Jagir granted by a Jagirdar shall be added to the gross revenue of the Jagir of the grantor.

PART III.

Application of Jagir Revenue.

Definitions.

7. In this Part—

"gross revenue" means in relation to any jagir the total realisations in any year of account on account of excise revenue, land revenue, forest revenue and such other revenues as may be specified in rules made under this Regulation:

Provided that realisations on account of excise revenue shall be included in gross revenue in relation to those jagirs only in which excise revenue was, immediately before the commencement of this Regulation, included in the revenues of the jagir;

"balance" means in relation to a jagir other than a Paigah, the sum remaining from the gross revenue after the making of the payment to Government required by Section 8 and of any payments due on account of maintenance allowances payable to Guzarayabs from the income of the jagir;

"net income" means in relation to a Paigah the sum remaining from the gross revenue after the making of the payment to Government required by Section 8 and of any payments due on account of maintenance allowances payable to Guzarayabs from the income of the Paigah, and in relation to a Jagir other than a Paigah the sum remaining from the balance after the making of the payments required by Section 10.

Payment to Government.

8. In respect of every jagir there shall be paid to Government on account of administration expenses the percentage of the gross revenue specified in the appropriate entry in the second column of the annexed table.

Revenue of Jagir	Percentage payable to Government
1	2
	Per cent.
1. Rs. 5,00,000 or more	58⅓
2. More than Rs. 1,00,000 but less than Rs. 5,00,000	50
3. More than Rs. 25,000 but not more than Rs. 1,00,000	40
4. Not more than Rs. 25,000 ..	25

Provided that if the payment of the appropriate percentage in respect of a jagir embraced by entry 1, 2 or 3 in the first column would leave a balance less than the balance left to a jagir with the maximum gross revenue embraced by the next succeeding entry in that column, the payment to Government in respect of such first named jagir shall be so reduced as to leave a balance equivalent to the balance left to such second-named jagir.

Classification of jagirs for the purposes of payments from the balance.

9. For the purposes of payments to be made from the balance, jagirs (other than Paigahs), shall be classified in the following categories, namely :—

(1) jagirs in which a Jagirdar exists and is entitled under the existing law to receive the haq-e-intazam ;

(2) jagirs in which a Jagirdar exists but is not entitled under the existing law to receive the haq-e-intazam ;

(3) jagirs where the death of the Jagirdar before the commencement of this Regulation was not followed by the appointment of a Jagirdar before that date ;

(4) jagirs in which the Jagirdar dies after the commencement of this Regulation.

Payments from the balance.

10. (1) In the case of jagirs in category (1) a sum equivalent to half the haq-e-intazam shall be paid to the Jagirdar and the like sum shall be distributed between the Hissedars (other than the Jagirdar) in the proportions to which they would have been entitled under the existing law to the income of the jagir if the jagirdar had not existed :

Provided that if there is no Hissedar, a sum equivalent to the whole of the haq-e-intazam shall be paid to the Jagirdar.

(2) In the case of jagirs in category (2) a sum equivalent to the haq-e-intazam shall be distributed between the Jagirdar and Hissedars in the proportions to which they are under the existing law entitled to the income of the jagir.

(3) In the case of Jagirs in category (3) a sum equivalent to the haq-e-intazam shall be distributed between the Hissedars, including the heirs of the deceased Jagirdar, in the proportions to which they are under the existing law entitled to the income of the jagir.

(4) In the case of jagirs in category (4) an amount equivalent to the haq-e-intazam shall, as from the year of account following the year in which the Jagirdar dies, be distributed between Hissedars, including the heirs of the deceased Jagirdar, in the proportions to which they are under the existing law entitled to the income of the jagir.

Distribution of net income.

11. (1) In the case of a jagir other than a Paigah the net income shall be distributed between the Jagirdar and Hissedars in the proportion to which they are entitled under the existing law.

(2) In the case or a Paigah two-fifths of the net income shall be payable to the Amir-e-Paigah and the remaining three-fifths shall be distributed among the Hissedars according to their shares, the Amir-e-Paigah not being deemed to be a Hissedar.

Maintenance allowance.

12. (1) From the amount payable to any person under Section 11 there shall be deducted the amount of any maintenance allowance which under sub-section (2) is debitable to the share of that person.

(2) The maintenance allowance payable to a Guzarayab shall, save where it is payable from the income of the jagir, be debitable to the share of the person on whom he was or is dependent.

(3) The Jagir Administrator may reduce any maintenance allowance payable to a Guzarayab which in his opinion is excessive in relation to the income of the jagir from the revenue of which the allowance is payable.

(4) On the death of a Guzarayab whose maintenance allowance was hereditary the allowance shall devolve according to his personal law.

(5) If any question arises regarding the person to whose share a maintenance allowance is debitable under sub-section (2), or as to whether a maintenance allowance is hereditary, the Jagir Administrator shall decide the question after affording to all the parties concerned an opportunity of being heard.

Accounts and Advances.

13. (1) The Jagir Administrator shall maintain a separate account in respect of each jagir and shall afford every Jagirdar and Hissedar reasonable facilities for the inspection of the same.

(2) The Jagir Administrator shall make advance payments to Jagirdars and Hissedars in accordance with rules made under this Regulation and shall adjust the same when the net income of the jagir is distributed.

(3) The payment to Government required by Section 8, the payment from the balance required by Section 10, and the distribution of the net income in accordance with Section 11, including payments to Guzarayahs under Section 12, shall be effected as soon as may be after the expiration of the year of account.

(4) In compiling the accounts for the year of account current on the appointed day, the Jagir Administrator may disallow any expenditure included in the accounts furnished by the Jagirdar under sub-section (2) of Section 5 which in his opinion was not incurred in the normal course of management of the jagir.

Interim nature of payments under this Regulation.

14. The amounts payable to Jagirdars and Hissedars under this Regulation shall be deemed to be interim maintenance allowances payable until such time as the terms for the commutation of jagirs are determined.

PART IV.

MISCELLANEOUS.

Jagirs under the management of Court of Wards or a Committee.

15. Where a jagir is under the management of the Court of Wards or of a Committee of Management, appointed by the Government, the duties of the Jagir Administrator under this Regulation may at the discretion of Government be discharged by the Court of Wards or the Committee of Management, as the case may be.

Special provision for Jagirs granted to temples, etc.

16. The provisions of this Regulation shall apply so far as may be to any jagir granted to a temple or mosque or to any institution established for a religious or public purpose:

Provided that in the case of such jagir—

(*a*) the percentage of the gross revenue to be paid to Government shall, notwithstanding anything contained in Section 8, be such percentage not exceeding ten as the Government may by notification in the Jarida direct either generally or in respect of a particular jagir or a particular class of jagirs;

(*b*) the distribution or application of the net income shall be effected in accordance with the rules made under this Regulation which shall be so framed as to respect so far as possible the wishes of the grantor and to be in consonance with custom and usage.

Home farms.

17. (1) Nothing in this Regulation shall affect the home farm (seri Khudkasht) of a Jagirdar or Hissedar which, subject to any law for the time being in force, he shall continue to hold—

(*a*) where the village in which the farm is situate has been brought under survey and settlement whether before or after the appointed day, in accordance with the terms recorded at the time of such survey and settlement;

(*b*) for so long as the village has not been brought under survey and settlement, in accordance with the terms and conditions prevailing immediately before the appointed day.

(2) For the purposes of sub-section (1) the extent and boundaries of the home farm of a Jagirdar or Hissedar shall be such as the Jagir Administrator may by order determine :

Provided that no forest or waste land shall be included in any home farm.

Personal property and liabilities not affected.

18. Nothing in this Regulation shall affect—

(*a*) the personal property of a Jagirdar or Hissedar or any property other than the jagir held by a Jagirdar on behalf of the Hissedars, or

(*b*) any liability of a Jagirdar or Hissedar in respect of any loan taken from Government.

Employment in Government service of former servants of Jagirdars.

19. (1) The Jagir Administrator shall so far as possible employ in Government service such of the persons employed by a Jagirdar before the appointed day for the management of a Jagir as are in his opinion suitable for employment in Government service.

(2) The terms on which such persons shall be employed in Government service shall be prescribed by rules made under this Regulation.

(3) Subject to such conditions as may be prescribed by rules made under this Regulation Government may grant a pension, compensatory allowance or gratuity to any person employed by a Jagirdar before the appointed day for the management of a jagir who is not thereafter employed in Government service.

Appeal and revision.

20. (1) A party aggrieved by any order passed by the Jagir Administrator under this Regulation may appeal against the order to Government or to such authority as Government may appoint in this behalf..

(2) An appeal under sub-section (2) shall be filed within 60 days of the date on which the aggrieved party is informed of the order against which he appeals :

Provided that the appellate authority may for sufficient cause entertain an appeal filed after the expiration of the said 60 days.

(3) Government or such authority as Government may appoint in this behalf may revise any order passed by the Jagir Administrator :

Provided that no order adversely affecting any person shall be passed in revision without giving that person an opportunity of being heard.

Judicial proceedings.

21. (1) Save with the previous sanction of Government, no civil or criminal proceedings shall be instituted against the Jagir Administrator or any other public servant in respect of anything done or purporting to have been done under this Regulation,

(2) All claims relating to a jagir or to any share in the income thereof, whether arising under this Regulation or otherwise, shall, subject to this Regulation but notwithstanding any existing law, be filed in, and decided by, the appropriate civil court:

Provided that any proceeding pending at the commencement of this Regulation before an Atiyat Court or before a Commission or any other authority shall be completed in accordance with the existing law as if this Regulation had not been enacted.

Penalty.

22. Whoever—

(*a*) fails to comply in whole or in part with the requirements of sub-section (2) of Section 5, or

(*b*) resists or obstructs the Jagir Administrator or any person employed under his orders in the exercise of the powers conferred by sub-section (3) of Section 5, or

(*c*) contravenes, or attempts to contravene, or abets the contravention of sub-section (4) of Section 6, shall be punishable with imprisonment which may extend to one year or with fine or with both.

Repugnant existing laws.

23. This Regulation shall have effect not withstanding anything contained in any existing law, and where an existing law is repugnant to the provisions of this Regulation, it shall, to the extent of the repugnancy, cease to have effect.

Power to make rules.

24. (1) The Government make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) specify with reference to sub-section (2) of Section 8 any powers and duties of the Jagir Administrator which shall not be exercised or discharged by an Assistant Jagir Administrator;

(*b*) determine the additional classes of revenue to be included in the gross revenue of a jagir as defined in Section. 7;

(*c*) provide for the conditions under which, the times at which, and the manner in which, advance payments to Jagirdars and Hissedars under sub-section (2) of Section 13 shall be made;

(*d*) prescribe, in conformity with the proviso to Section 16, the manner in which the net income of a jagir granted to a temple or mosque or to any institution established for a religious or public purpose shall be distributed or applied;

(*e*) prescribe the terms of employment in Government service of persons formerly employed by Jagirdars;

(*f*) prescribe the terms and conditions on which a pension, allowance or gratuity may be paid to a person formerly employed by a Jagirdar who is not employed in Government service;

(*g*) prescribe the procedure to be adopted in the presentation and disposal of appeals under, and in the exercise of the revisional powers conferred by, Section 20.

THE HYDERABAD LEGISLATIVE ASSEMBLY (REPEAL) A'IN, 1358 F.

No. I of 1358 F.

CONTENTS.

Sections.

1. Short title, commencement and extent.

2. Repeal of Hyderabad Legislative Assembly A'in.

3. Application of Hyderabad General Clauses Act.

*THE HYDERABAD LEGISLATIVE ASSEMBLY (REPEAL) A'IN, 1358 F.

No. 1 OF 1358 FASLI.

(Received the assent of H.E.H. the Nizam on 2nd day of Bahman 1357 F.)

Whereas with a view to constituting a fully representative body elected by the people at as early a date as possible His Exalted Highness has deemed it expedient to abolish the Hyderabad Legislative Assembly Constituted under the Hyderabad Legislative Assembly A'in (No. 1 of 1355 F.);

Now, therefore, His Exalted Highness is pleased to enact as follows :—

1. (1) This A'in may be cited as the Hyderabad Legislative Assembly (Repeal) A'in and it shall come into force at once. Short title, commencement and extent.

(2) It shall extend to the whole of the Hyderabad State.

2. The Hyderabad Legislative Assembly A'in (No. 1 of 1355 Fasli) shall be repealed and the Legislative Assembly constituted thereunder shall be forthwith abolished. Repeal of Hyderabad Legislative Assembly A'in.

3. The Hyderabad General Clauses Act (III of 1308 F.) as amended from time to time shall govern the interpretation of this A'in as though this A'in were an Act of His Exalted Highness' Legislative Council. Application of Hyderabad General Clauses Act

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*Published in Extraordinary Jarida No. 8, dated 4th Bahman 1358 F.

THE SPECIAL TRIBUNAL (VALIDATION OF PROCEEDINGS) REGULATION, 1359 Fasli.

No. I OF 1359 F.

CONTENTS.

Sections.

1. Short title and commencement.

2. Definition.

3. Validation of proceedings.

* THE SPECIAL TRIBUNAL (VALIDATION OF PROCEEDINGS) REGULATION, 1359 Fasli.

No. I OF 1359 F.

WHEREAS it is expedient to remove doubts which have arisen or may arise regarding the validity of certain proceedings taken by the Special Tribunal constituted by the order of the Military Governor under Section 2 of the Special Tribunals Regulation (No. V of 1358 F.), published with the Notification of the Home Department No 53, dated the 26 th Amardad, 1358 F. ;

NOW, THEREFORE, in exercise of the authority vested in me for the administration of the Hyderabad State, and of all other powers enabling me in that behalf, I make the following Regulation.

Short title and commencement.

1. (1) This Regulation may be called the Special Tribunal (Validation of Proceedings) Regulation, 1359 F.

(2) It shall come into force at once.

Definition.

2. In this Regulation, " Special Tribunal " means the Special Tribunal constituted by the order of the Military Governor under Section 2 of the Special Tribunals Regulation (No. V of 1358 F.), published with the Notification of the Home Department No. 53, dated the 26th Amardad, 1358 Fasli (26th June, 1949).

Validation of proceedings.

3. All proceedings taken by the Special Tribunal in relation to the offences which the Special Tribunal was, by the order of the Military Governor, dated the 6th October, 1949, made under Section 3 of the Special Tribunals Regulation (No. V of 1358 F.), directed to try shall be and shall be deemed always to have been as valid and effectual for all purposes as if the said order had been made before the Special Tribunal first took cognizance of the said offences.

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*Published in the Extra-ordinary Jarida No. 8, dated 8th Azur, 1359 F.

The Registration of Births and Deaths Regulation, 1359 F.

No. II OF 1359 F.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Extension and withdrawal of the Regulation.
3. Definition of Registrar.
4. First Taluqdar to proclaim that registration will be compulsory.
5. Appointment of Registrars.
6. Registrars to live in their city, town, village or ward.
7. Registrar is a public servant.
8. (1) First Taluqdar to have registers and forms printed and supplied.
   (2) Copy of such forms to be posted in the office of the Registrar
9. Information of birth to be given within seven days.
10. Information to be given respecting new-born child found exposed.
11. Information of death to be given within 24 Hours.
12. (1) In case of births and deaths in hospital, medical officer-in-charge to send information to the registrar.
   (2) In case of births and deaths in dharamshala etc., keeper or person in charge to give information required.
13. A person giving oral information to write his name in the register.
14. Registrar to give birth extract free of charge.
15. Registrar to register information without fee or reward and inform himself of every birth and death.
16. Entry of name of child.
17. Search of birth and death registers.
18. Penalty for omission to give information or for giving false information.
19. Penalty to registrar for neglect of duty.
20. Prosecution not to be instituted except under the orders of the First Taluqdar.
21. Delegation of powers by the Government.
22. Delegation of powers by the First Taluqdar.
23. Government to make rules and prescribe forms and registers.
24. Repeal.

Schedule.

*THE REGISTRATION OF BIRTHS AND DEATHS REGULATION, 1359 F.

No. II OF 1359 F.

(Received the assent of H.E.H. the Nizam on 7th Zilhej, 1368 H./1st Azur, 1359 F.).

WHEREAS it is expedient to provide for the compulsory registration of births and deaths in the Hyderabad State; Preamble,

It is hereby enacted as follows :—

1. (1) This Regulation may be called the Hyderabad Registration of Births and Deaths Regulation of 1359 F. Short title and commencement.

(2) It shall come into force from the date of its publication in the Jarida.

2. The Government may by notification published in Jarida extend the application of this Regulation or any portion thereof to any area in the Hyderabad State and may also by notification, exclude any such area from the operation of this Regulation or any portion thereof. Extension and withdrawal of the Regulation.

3. In this Regulation, unless there is something repugnant in the subject or context, "registrar" means a person appointed registrar of births and deaths under Section 5 of this Regulation. Definition of Registrar.

4. On the publication of a notification under Section 2 extending this Regulation or any portion thereof to any local areas the First Taluqdar shall cause to be proclaimed in the case of a village by notices posted in the village chavadi and by beat of drum within the area and in other cases by notices posted at conspicuous places within the area and by the publication in the local paper or papers, if any, in the local language, the date from which registration of births and deaths will be compulsory in the said area. First Taluqdar to proclaim that registration will be compulsory.

5. (1) On the publication of such notification, the First Taluqdar shall appoint a person either by name or by virtue of any office he may hold, to be registrar of births and deaths for each city, town and village or may if he sees fit, divide any city, town or village into wards and appoint a person either by name, or by virtue of any office he may hold to be registrar of births and deaths for each ward. Appointment of Registrars.

(2) Every registrar so appointed shall keep in the prescribed form a register of births and deaths for his city, town, village or ward as the case may be.

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*Published in Jarida No. 3 dated 17th Azur 1359 F.

Registrars to live in their city, town, village or ward.

6. Every such registrar shall, unless otherwise expressly authorised by the First Taluqdar in writing reside within the city, town, village or ward of which he is the registrar and shall cause his name, with the addition of registrar of births and deaths for the city, town, village or ward for which he is so appointed, written in the local language to be placed in some conspicuous place on or near the outer door of his office.

Registrar is a public servant.

7. Every registrar of births ond deaths shall be deemed to be a public servant within the meaning of the Hyderabad Penal Code.

First Taluqdar to have registers and forms printed and supplied.

8. (1) The First Taluqdar shall cause to be printed and supplied a sufficient numbers of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed by Government.

Copy of such forms to be posted in the office of the registrar.

(2) A copy of such forms in the local language shall be posted in some conspicuous place on or near the outer door of the office of every registrar.

Information of birth to be given within seven days.

9. The father of every child, or in case of thedeath, illness, absence or inability of the father, the doctor, midwife or dai assisting at the birth and in default every adult male member of the family resident in the house in which the child was born and any persor having charge of the child or in default of the above, the mother shall, within seven days next after the day of such birth alive or dead, give or cause to be given, either orally or in writing, information to the registrar of the locality according to the best of his knowledge and belief, of the several particulars required to be entered in the forms prescribed under Section 8 :

Provisos.

Provided that a person not required to give information in the first instance but only in default of some other person shall not be bound to give information under this Regulation if he had reasonable cause to suppose that the information had been or would be duly given by such other person :

Provided also that in the case of an illegitimate child, it shall, in the first instance, be the duty of the mother of such child to give information under this Regulation, and no person shall, as father of such child be required to give information under this Regulation concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and unless such person shall sign the register together with the mother.

Information to be given respecting new-born child found exposed.

10. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars

required to be registered concerning the birth of such child as the informant possesses.

Information of death to be given within 24 hours.

11. The nearest adult male relative present at the death or in attendance during the last illness of any person dying in a village, or in case of default of such realtive every adult male person present at the death, or in the case of their default the occupier of the house, or in his default every adult male person living in the house in which such death has happened or in the case of default of such inmate, the person under taking the disposal of the corpse shall, within 24 hours from the time of death, give or cause to be given, either orally or in writing information to the registrar according to the best of his knowledge and belief of the several particulars required to be entered in the forms prescribed under Section 8 :

Provided that a person not required to give information in the first instance, but only in default of some other person shall not be bound to give information under this Regulation if he had reasonable cause to suppose that the information had been or would be duly given by such other person.

In case of births and deaths in hospital, medical officer-incharge to sent information to the registrar.

12. Notwithstanding anything contained in Section 9 and 11 of this Regulation,

(1) in case of a child being born or a person dying in any hospital, maternity or nursing home it shall be the duty of the medical officer or a person in charge forthwith to send to the registrar a notice in writing of the occurrence of such birth or death containing the several particulars required to be entered in the forms prescribed under Section 8 ;

In case of births and deaths in dharamshala, etc., keeper or person in charge to give information required.

(2) in case of a child being born or of a person dying in any sarai, dharamashala, chaul, hotel, boarding house, lodging house, toddy shop or place of public resort and entertainments, it shall be the duty of the owner, keeper or person in charge thereof to give the information required under Sections 9 and 11 in the manner specified therein within 48 hours of the birth or death as the case may be.

A person giving oral information to write his name in the register.

13. Every person who has orally given to a registrar any information required under this Regulation shall write in the register his name, description and place of abode and if he cannot write shall put his thumbmark in the register against his name, description and place of abode, these particulars being in such case entered by the registrar.

Registrar to give birth extract free of charge.

14. The registrar shall on the completion of registration of the birth of a child, give on application, free of all charge, to the person who gives information of the birth an extract under his hand from the register relating to such birth.

Registrar to register information without fee or reward and inform

15. Every registrar shall without fee or reward register all information furnished to him under Sections 9 to 13 and it shall also be his duty to inform himself carefully of every birth and of every death which takes place in his city, town, village or ward and he shall ascertain and register as soon as conveniently may

himself of every birth and death.

be after that event, the particulars required to be registered according to the forms prescribed under Section 8 touching every such birth and death as the case may be, which has not already been registered.

Entry of name of child.

16. When the birth of any child has been registered without name, the parent or guardian of such child may within twelve months next after the registration of birth, require the registrar to enter in the register the name of such child and the registrar shall thereupon enter the name and shall initial and date the entry.

Search of birth and death registers.

17. Subject to any rules which the Government may make under Section 23 any person may, at all reasonable times on a payment of afee fixed by Government for each visit, search any register of births and deaths and may, on payment of further fee fixed by Government, obtain an extract from such register relating to any birth or death registered therein.

Penalty for omission to give information or for giving false information.

18. Any person who—

(*a*) fails without reasonable cause to give any information which it is his duty to give under Sections 9, 10, 11 and 12 of this Regulation ; or

(*b*) gives or causes to be given for the purpose of being inserted in any register of births or deaths any information which is false and which he knows or believes to be false touching any of the particulars required to be known and registered ; or

(*c*) refuses to write his name, description and place of abode or to put his mark in the register if required by Section 13, shall on conviction before a Magistrate, be liable to fine not exceeding fifty rupees.

Penalty to registrar for neglect of duty.

19. Any registrar who refuses or neglects to register any birth or death occurring within his jurisdiction, which he is bound to register, within a reasonable time after he shall have been duly informed thereof, shall be punishable on conviction before a Magistrate to a fine not exceeding one hundred rupees.

Prosecution not to be instituted except under the orders of the First Taluqdar.

20. No prosecution in respect of any offence punishable under this Regulation shall be instituted except under the order of the First Taluqdar having jurisdiction over the area in which the offence was committed, who may also stay such prosecution.

Delegation of powers by the Government.

21. Any of the powers and duties conferred or imposed upon the Government or the First Taluqdar by this Regulation may be exercised or performed subject to such conditions as the Government may prescribe by a local committee to which the Government may by a general or special order empower in this behalf.

Delegation of powers by the First Taluqdar.

22. The First Taluqdar may depute any gazetted officer to exercise the powers and to perform the duties vested in him by this Regulation.

23. (*a*) Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith. Government to make rules and prescribe forms and registers.

(*b*) In particular and without prejudice to the generality of the foregoing power, Government may make rules—

(*i*) prescribing the forms of registers of births and deaths required to be kept under this Regulation ;

(*ii*) the manner in which the registers shall be maintained ;

(*iii*) the dates on which returns shall be made ;

(*iv*) the officers to whom returns shall be sent ;

(*v*) for the inspection and examination of registers maintained under this Regulation and the fee chargeable for such inspection, examination and for obtaining extracts of registers ;

(*vi*) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other cause;

(*vii*) for the custody, production and transfer of the registers and other records kept by registrars ;

(*viii*) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths ; and

(*ix*) generally to carry out the provisions of this Regulation.

24. The enactments specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal.

SCHEDULE.

(*See Section* 24).

ENACTMENTS REPEALED.

Year	Number	Short title	Extent of Repeal
1	2	3	4
1342 Fasli ..	XII	The Hyderabad Municipal Act 1342 F.	Sections 326 to 336 both inclusive.
1352 Fasli ..	III	The Hyderabad District Boards A'in 1352 F.	Sub-section (*a*) of Section 69.
1352 Fasli ..	IV	The Hyderabad Municipal and Town Committees A'in 1352 F.	Section 72, clause (*m*) of sub-section (1).

THE TRIBAL AREAS REGULATION, 1359 F. No. III OF 1359 FASLI.

CONTENTS.

Sections.

1. Short title and commencement.

2. Definitions.

3. Power to exclude or modify application of laws to notified tribal areas.

4. Power to make rules.

5. Effects of rules inconsistent with other enactments.

6. Saving as to orders.

7. Protection of action taken under the Regulation.

8. Repeal.

*THE TRIBAL AREAS REGULATION, 1359 FASLI.
No. III of 1359 F.

WHEREAS it is expedient to provide for the better administration of the tribal areas in the Hyderabad State ;

NOW, THEREFORE, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Tribal Areas Regulation, 1359 Fasli.

(2) This section shall come into force at once and the remaining provisions of this Regulation shall come into force in such areas and from such dates as Government may by notification in the Jarida direct.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context—

(*a*) " Agent " means the person appointed by Government to be the Agent for a notified tribal area or where no person is so appointed the Taluqdar of the district in which such area is situate ;

(*b*) "Assistant Agent " means the person appointed by Government to be the Assistant Agent for a notified tribal area or any part thereof or where no person is so appointed the Second Taluqdar of the division in which such area or part is situate ;

(*c*) " notified tribal area " means an area in which this Regulation is for the time being in force ;

(*d*) " prescribed " means prescribed by or under rules made under this Regulation ;

(*e*) " tribal " when used as a noun means a member of a tribe in a notified tribal area, and " non-tribal " means a person who is not a tribal ;

(*f*) " tribe " means Bhils, Chenchus, Gonds, Hill Reddies, Kolams Koyas, Naikpods, Pardhans, Totis, and includes all subdivisions of these tribes and in relation to any notified tribal area includes also any other tribe which Government may by notification in the Jarida declare to be a tribe for the purposes of this Regulation in that area ;

(*g*) an expression defined in section 2 of the Land Revenue Act (VIII of 1317 F.), shall have the meaning assigned to it in the said section.

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*Published in Jarida No. (5), dated 31st Azur, 1359 F.

Power to exclude or modify application of laws to notified tribal areas.

3. Notwithstanding anything contained in any law for the time being in force Government may, by notification in the Jarida, direct that any Act, Regulation, or Rule for the time being in force in the Hyderabad State shall not apply to any notified tribal areas specified in the notification or shall apply thereto with such omissions and modifications as may be so specified.

Power to make rules.

4 (1) Government may, by notification in the Jarida, make such rules as appear to them to be necessary or expedient for the better administration of any notified tribal area in respect of tribals and of their relations with non-tribals.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) such rules may provide for all or any of the following matters, namely—

(*a*) barring the jurisdiction of courts of law or revenue authorities in any dispute relating to lands, houses or house sites occupied, claimed, rented or possessed by any tribal, or from which any tribal may have been evicted, whether by process of law or otherwise, within such period preceding the notification bringing this Regulation into force in the area concerned as may be specified in the rules ;

(*b*) the transfer to the Agent of all suits or proceedings pending before any court of law or revenue authority for the eviction of any tribal from lands cultivated by him or from a house or house site occupied by him in any notified tribal area and manner in which the Agent shall deal with such suits or proceedings ;

(*c*) the cancellation of any decrees or orders which were passed by a court of law or revenue authority within such period preceding the notification bringing this Regulation into force in the area concerned as may be specified in the rules and which adversely affect the rights of a tribal in any land or house or house site, and, if any such decree or order has already been executed, the procedure, according to which the Agent shall restore the position obtaining before such execution ;

(*d*) the vesting in the Agent or Assistant Agent of all Civil and revenue jurisdiction in cases involving the rights of any tribal in any land, house or house site situate in any notified tribal area, the powers to be exercised by the Agent and Assistant Agent for this purpose (which may include the powers of any revenue or forest officer in revenue and forest matters) and of any court subordinate to the High Court in civil matters and the summary or other procedure in accordance with which such powers shall be exercised ;

(*e*) authorising the Agent or Assistant Agent of a notified tribal area to try any criminal offence in which a tribal is involved as a party not being an offence punishable with death or imprisonment for life or for a period extending to 10 years, and prohibiting legal practitioners from appearing in any such trial without the permission of the Agent or Assistant Agent ;

(*f*) prohibiting the grant of patta right over any land in any notified tribal area to a non-tribal and empowering the

Agent to cancel or revise any title in land granted to a non-tribal in any notified tribal area during a specified period preceding the coming into force of this Regulation therein, or to order exchange of lands by way of compensation or settlement, and to eject any person from any land or to place any person in possession of any land in accordance with his decision ;

(*g*) prohibiting the sale in execution of any decree or order of a civil or revenue court whether made before or after the coming into force of this Regulation in the area concerned of land for the time being cultivated by a tribal or in respect of which a tribal claims that he has a right to hold it, the cancellation of all such sales not finally confirmed before the coming into force of this Regulation in the area concerned and the manner in which all such cases shall be disposed of by the Agent ;

(*h*) authorising the agent—

(*i*) after consulting the Director of Forests to recommend to Government the revision or cancellation of any forest settlement made under the Hyderabad Forest Act, 1355 Fasli; and

(*ii*) to exclude land from a reserved forest without reference to Government if the area to be excluded does not exceed a prescribed limit and the Divisional Forest officer concurs in the exclusion ;

(*i*) authorsing the Agent to dismiss summarily any Official of any Government department working in a notified tribal area and drawing a salary not exceeding such limit as may be prescribed if he is satisfied that the official has been guilty of abusing his position by illtreating any person or demanding unlawful gratification in the exercise of his official duties ;

(*j*) authorising the Agent to extern from a notified tribal area any non-tribal if, for reasons to be recorded in writing, he is satisfied that his presence in such area is likely to be detrimental to the interests of the tribals ;

(*k*) the abolition of Patel and Patwari Watans in any notified tribal area, the replacement of non-tribal village officers by tribal village officers, the payment of reasonable compensation to the replaced non-tribals and the appointment of village officers on such remuneration and subject to such conditions as may be prescribed ;

(*l*) controlling money-lending in a notified tribal area and in particular—

(*i*) prohibiting any person from engaging in the business of money-lending otherwise than under and in accordance with a condition of a licence ;

(*ii*) prescribing the authorities by which such licence shall be issued, the conditions to be entered therein (including conditions in regard to the rate of interest), the maintenance of accounts and the furnishing of receipt ;

(*iii*) prohibiting absolutely the transaction of the business of money-lending in any notified tribal area in respect of which

Government are satisfied that adequate provision for rural credit has been made through the medium of Government Co-operative Societies or otherwise ;

(*iv*) instituting arrangements for the compulsory settlement of outstanding debts owed to money-lenders by tribals ;

(*m*) the constitution of Panchayats and the entrustment to Panchayats so constituted or to Panchayats constituted under the Panchayats A'in of such criminal and civil jurisdiction and such social duties as may be prescribed.

(3) The rules made under sub-section (1) may further—

(*a*) provide for the procedure to be followed in the disposal of cases under this Regulation, and prescribe a summary procedure for the trial of criminal offences ;

(*b*) confer powers and impose duties upon any Government officer as respects any matter ;

(*c*) permit or prohibit applications for the transfer of proceedings under this Regulation and appeals from or the review or revision of orders made thereunder, and where such applications appeals review or revision are permitted prescribe the authorities by whom and the conditions under which and the mode in which powers to transfer proceedings, to entertain appeals and to review or revise orders shall be exercised ;

(*d*) provide that any contravention of, or any attempt to contravene, and any abetment of, or attempt to abet, the contravention any of the provisions of the rules or of any order issued under any such provision or of any condition of any licence so issued shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(4) Government may by order direct that any power or duty which by rule under sub-section (1) is conferred or imposed upon Government shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged by any other authority.

Effects of rules inconsistent with other enactments.

5. Any rule made under Section 4, and any order made under such rule, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Regulation or in any instrument having effect by virtue of any enactment other than this Regulation.

Saving as to orders.

6. (1) No order made in exercise of any power conferred by or under this Regulation shall be called in question in any court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Regulation a court shall, within the meaning of the Hyderabad Evidence Act, 1313F., presume that such order was so made by that authority.

7. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Regulation or of any rule made thereunder. Protection of action taken under the Regulation.

(2) Save as otherwise expressly provided under this Regulation, no suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything done or intended to be done in pursuance of this Regulation or of any rule made thereunder.

8. The Tribal Areas Regulation, 1356 Fasli, is hereby repealed. Repeal.

THE HYDERABAD CONSTITUENT ASSEMBLY (ELECTIONS AND ELECTION PETITIONS) REGULATION, 1359 Fasli.

No. VI of 1359 F.

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*THE HYDERABAD CONSTITUENT ASSEMBLY (ELECTIONS AND ELECTION PETITIONS) REGULATION, 1359 F.

No. VI OF 1359 F.

Whereas, it is expedient to provide for the conditions subject to which persons may be elected to, and may be members of, the Hyderabad Constituent Assembly, for the conduct of elections to the said Assembly and for all matters necessary or incidental thereto, including the final decision of doubts and disputes arising out of such elections;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State, and of all other powers enabling me in that behalf, I make the following Regulation:—

PRELIMINARY.

1. (1) This Regulation may be called the Hyderabad Constituent Assembly (Elections and Election Petitions) Regulation, 1359 F. **Short title, extent and commencement.**

(2) It shall extend to the whole of the Hyderabad State and shall come into force from the date of its publication in the Jarida.

2. (1) In this Regulation unless there is anything repugnant in the subject or context— **Definitions, etc.**

(*a*) "Assembly" means the Hyderabad Constituent Assembly;

(*b*) "corrupt practice" means, any act deemed to be a corrupt practice under the provisions of Schedule V;

(*c*) "Harijan" means a member of a caste specified in Part I of Schedule II;

(*d*) "prescribed" means prescribed by rules made under section 10;

(*e*) "reserved seat" means a seat required to be filled by a member of the minority community specified in that behalf in Schedule I, that is to say, by a member of the Muslim community, a Harijan, or a tribal, as the case may be;

(*f*) "tribal" means a member of a tribe specified in Part II of Schedule II;

*Published in Jarida No. (9) dated 28th Dai, 1359 F. (28th Nov., 1949.)

(*g*) "Tribunal" means a Tribunal appointed under Chapter V.

(2) An expression used in this Regulation and not defined therein but defined in the Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 F., (hereinafter in this sub-section referred to as the said Regulation) shall unless there is anything repugnant in the subject or context have in this Regulation the meaning assigned to it in the said Regulation.

(3) Any provision of this Regulation which requires a sum of money to be deposited shall be deemed to require the deposit to be made:—

(*i*) in cash, or

(*ii*) in promissory notes of the Government of Hyderabad of equal value at the market rate of the day and endorsed in favour of the Controller-General of Audit and Accounts, Hyderabad.

CHAPTER I.

Composition of Assembly and Constituencies.

Composition of Assembly; constituencies; reserved seats.

3. (1) The Assembly shall consist of 200 members elected by the constituencies specified in Schedule I being the constituencies delimited under sub-section (1) of section 3 of the Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 Fasli.

(2) The number of members to be elected by each constituency, the number, if any, of the seats assigned to a constituency which shall, subject to sub-sections (3) and (4), be reserved seats, and the community for which each reserved seat is reserved, shall be as specified in Schedule I in respect of each constituency.

(3) For the purpose of a by-election in a plural member constituency in which one or more seats are reserved seats, a seat shall not be reserved unless the number of Muslim, Harijan or tribal members, as the case may be, already representing the constituency is less than the number of seats reserved for the community concerned and if such number is less, seats shall be reserved to the extent only of the deficiency.

(4) If in an election in a constituency in which one or more seats are reserved seats the number of Muslim, Harijan or tribal candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the times specified in sub-section (9) of section 6 is less than the number of seats reserved for the community concerned the number of seats reserved for that community shall be reduced to the extent of the deficiency.

(5) All the members elected by a constituency, including the members elected to fill reserved seats, shall be elected by the whole of the electorate for the constituency.

CHAPTER II.

QUALIFICATIONS FOR ELECTION.

General Qualifications for election.

4. (1) A person shall be disqualified for election as a member of the Assembly if such person—

(*a*) is under 25 years of age, or

(*b*) holds any office of profit under the Government of Hyderabad or any other Government, not being an office declared by order of the Government of Hyderabad not to disqualify its holder; or

(*c*) has acknowledged allegiance or adhered to any State other than Hyderabad or the Union of India or has by any voluntary act become a subject or citizen of any such State; or

(*d*) has been adjudged by a competent Court to be of unsound mind; or

(*e*) is an undischarged insolvent.

Explanation.—For the purposes of clause (*b*) a person, not being in the permanent service of a Government, shall not be deemed to hold an office of profit under a Government by reason only that he is a Minister.

(2) A person against whom a conviction by a criminal court in the Hyderabad State, India or Pakistan involving a substantive sentence of transportation or imprisonment for a period exceeding two years is subsisting shall be disqualified for election for a period of five years from the date of the expiration of the sentence;

(3) If any person is convicted of an offence under Chapter IX-A of the Hyderabad Penal Code punishable with imprisonment exceeding six months or is after inquiry by a Tribunal reported as guilty of a corrupt practice specified in Part I or in paragraph 1, 2 or 3 of Part II of Schedule V, such person shall be disqualified for election for five years from the date of such conviction or of the finding of the Tribunal as the case may be, and a person reported by a tribunal to be guilty of any other corrupt practice shall be similarly disqualified for a period of three years from the date of the finding.

(4) If in respect of an election to the Assembly a return of the election expenses of any person who has been nominated as a candidate at that election is not lodged in the manner and within the time prescribed by or under this Regulation, or if any such return is lodged which is found either by a Tribunal holding an inquiry into the election, or by a Magistrate in a judicial proceeding to be false in any material particular, both the candidate and his election agent shall be disqualified for election for a period of five years from the date by which such return was required to be lodged;

Provided that where the disqualification imposed by this sub-section has arisen by reason only of a failure to lodge such return within the time prescribed, the disqualification shall not take effect until the expiration of one month or such longer period as Government may in any particular case allow from the date by which such return was required to be lodged.

(5) Government may by notification in the Jarida remove any disqualification imposed by sub-section (2), sub-section (3) or sub-section (4).

Eligibility for election

5. Any person not disqualified under section 4 shall be eligible for election by any constituency if his name is entered on the electoral roll of the constituency of any other constituency of the Assembly.

CHAPTER III.

ELECTIONS.

Nomination of candidates.

6. (1) Any person who is not disqualified under section 4 and is eligible under section 5 may be nominated as a candidate for election in a constituency:

Provided that a person for the time being serving a sentence of imprisonment for a criminal offence shall not be so nominated.

(2) The Election Commissioner shall appoint for each constituency—

(*a*) a date, not later than the fourteenth day after the date of the notification calling upon the constituency to elect, for the nomination of candidates;

(*b*) a further date, not later than the seventh day after the first-mentioned date, for the scrutiny of nominations;

(*c*) a further date or dates on which a poll shall, if necessary, be taken;

and the dates so appointed shall be notified in the constituency in the prescribed manner.

(3) On or before the date so appointed for the nomination of candidates, each candidate shall, either in person or by his proposer and seconder together, between the hours of 11 O'clock in the forenoon and 3 O'clock in the afternoon deliver to the Returning Officer or to such other preson as may be perscribed a nomination paper completed in the form set out in Schedule III and subscribed by the candidate himself as consenting to the nomination and by two persons as proposer and seconder whose names are registered on the electoral roll of the constituency.

(4) Any person whose name is registered on the electoral roll of the constituency and who is not subject to any disqualification stated in section 4 may subscribe, as proposer or seconder as many nomination papers as there are vacancies to be filled but no more.

(5) Every nomination paper delivered under sub-section (3) shall be accompanied by a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some one other person who is not disqualified under this Regulation for the appointment and who shall be named in the declaration, and no candidate shall be deemed to be duly nominated unless such declaration is delivered along with the nomination paper.

(6) The nomination paper of a candidate declared therein to be a Muslim, Harijan or tribal shall also be accompanied by the prescribed certificate that he is a Muslim, Harijan or tribal, as the case may be, and save for the purposes of an election inquiry held under this Regulation the certificate shall be conclusive that the person to whom it relates is a Mulsim, Harijan or tribal, as the case may be.

(7) Any nomination paper which is not received before 3 O'clock in the afternoon on the date appointed by the Election Commissioner for the nomination of candidates shall be rejected.

(8) The Returning Officer or other perscribed person shall on receiving a nomination paper under sub-section (3) inform the person or persons delivering the same of the date, hour and place appointed for the scrutiny of nominations and shall enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him and shall as soon as may be thereafter cause to be affixed in a conspicuous place in his office and in such other places, if any as may be prescribed a notice of the nomination containing descriptions similar to those contained in the nomination paper both of the candidates and persons who have subscribed as proposer and seconder.

(9) Any candidate may withdraw his candidature by a notice in writing signed by him and delivered to the Returning Officer or other prescribed person on or before 3 O'clock in the afternoon on the date appointed by the Election Commissioner for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

(10) The Returning Officer or other prescribed person shall on receiving a notice of withdrawal under sub-section (9), as soon as may be, cause a notice of withdrawal to be affixed in some conspicuous place in his office and in such other places, if any, as may be prescribed.

Deposit on nomination.

7. (1) On or before the date appointed for the nomination of candidates each candidate shall deposit or cause to be deposited with Returning Officer a sum of Rs. 250, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) If a candidate by whom or on whose behalf the deposit referred in sub-section (1) has been made withdraws his candidature in the manner and within the time specified in sub-section (9) of section 6, or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made, and if any candidate dies before the commencement of poll any such deposit if made by him shall be returned to his legal representative, or if not made by the candidate shall be returned to the person by whom it was made.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-section (1) has been made is not elected and the number of votes polled by him does not exceed, in the case of a constituency returning one or two members one-eighth of the total number of votes polled, or in the case of a constituency returning more than two members one-eighth of the total number of votes divided by the number of members to be elected, the deposit shall be forfeited to Government.

(4) For the purposes of sub-section (3) the total number of votes polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers, counted.

(5) The deposit in respect of a candidate shall, if it is not forfeited under sub-section (3), be returned to the candidate or to the person by whom the deposit was made on his behalf, as the case may be, as soon as may be after the publication of the result of the election in the Jarida :

Provided that if a candidate is duly nominated in more than one constituency, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Government.

Death of candidate before poll.

8. If a candidate who has been duly nominated dies after the date appointed for the scrutiny of nominations and before the date appointed for the taking of a poll, the Returning Officer or other prescribed person shall upon being satisfied of the death of the candidate countermand the poll and report the fact to the Election Commissioner and all proceedings with respect to the election shall be commenced a new as if for a new election :

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermanding of the poll.

Procedure at election.

9. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub-section (9) of section exceeds the number of members to be elected, a poll shall be taken :

Provided that if one or more seats are reserved seats and the number among such candidates of Muslims, Harijans or tribals is, equal to the number of seats reserved for Muslims, Harijans or

tribals, as the case may be, the Muslim, Harijan or tribal candidates, as the case may be, shall be declared to be duly elected and a poll shall only be taken if thereafter any vacancy remains to be filled.

(2) If the number of such candidates is equal to the number of vacancies all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of members to be elected all such candidates, if any, shall be declared to be duly elected, and Government shall by notification in the Jarida call upon the constituency to elect a person or persons, as the case may be, within such time as may be specified in the notification :

Provided that where the constituency, having already been called upon under this sub-section, has failed to elect a person or the requisite number of persons, as the case may be, to fill the vacancy or vacancies, Government shall not be bound again to call upon the constituency to elect a person or persons until such time, if any as it thinks fit.

(4) Votes shall be given by ballot and in person and no vote shall be received by proxy.

(5) In plural member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate.

(6) An elector whose name is entered on the electoral roll for more than one constituency shall not at a general election vote in more than one constituency and if any such elector so votes all his ballot papers in all the constituencies concerned shall be rejected.

(7) Votes shall be counted by or under the supervision of the Returning Officer and each candidate, the election agent of each candidate and one representative of each candidate authorised in writing by the candidate shall have a right to be present at the time of counting.

(8) When the counting of votes has been completed the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given to be elected :

Provided that if one or more seats are reserved the Returning Officer shall first declare to be elected the requisite number of Muslim, Harijan or Tribal candidates, as the case may be, to whom the largest number of votes have been given.

(9) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle a candidate to be declared elected the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(10) The Returning Officer shall without delay report the result of the election to the Election Commissioner and the name or names of the candidate or candidates elected shall be published in the Jarida.

Rules.

10. Subject to the provisions of this Regulation, Government shall by notification in the Jarida make rules providing for the following matters, namely :—

(1) for the form and manner in and the conditions on which nominations may be made, and for the scrutiny of nominations.

(2) for the appointment of a Returning Officer for each constituency and for his powers and duties ;

(3) for the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances and for the appointment of polling stations for these areas ;

(4) for the appointment of officers to preside at polling stations, and for the duties of such officers ;

(5) for the checking of voters by reference to the electoral roll ;

(6) for the manner in which votes are to be given, and in particular for the case of illiterate voter or voters under physical or other disability;

(7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors ;

(8) for the scrutiny of votes;

(9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers ;

(10) for matters ancillary to any such matter as aforesaid ; and

(11) for any matter which is to be or may be prescribed and may make such other rules regarding the conduct of elections as it thinks fit.

Multiple elections.

11. (1) If any person is elected by more than one constituency he shall by notice in writing signed by him and delivered, to the Election Commissioner or to such person as the Election Commissioner may by notification in the Jarida authorise in that behalf, within 10 days from the date of publication in the Jarida of the last of the results of such election to be so published, choose for which of the constituencies he shall serve, and the choice shall be final.

(2) When any such choice has been made, Government shall by notification in the Jarida call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the person does not make the choice referred to in sub-section (1) within the time required by that section, all the elections of such person shall be void and Government shall call upon the constituency or constituencies to elect another person or persons.

Disqualification for being election agent.

12. No person shall be appointed an election agent who is himself disqualified for election under section 4.

Revocation of appointment of election agent.

13. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing by document signed by the candidate and lodged with Returning Officer or other prescribed person and the revocation shall operate from the date on which the document is so lodged.

(2) In the event of such revocation or of the death of any election agent, whether such event occurs before, during or after the election, the candidate shall appoint forthwith another election agent and declare his name in writing to the Returning Officer or other prescribed person.

Return of election expenses.

14. (1) Within thirty-five days from the date of the publication of the result of an election under sub-section (10) of section 9, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election, a return in such form as may be prescribed of the election expenses of such person containing the particulars specified in Schedule IV and signed both by the candidate and by his election agent.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any person on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) Notwithstanding anything hereinbefore contained, where a candidate is owing to absence from the Hyderabad State unable to sign the return of election expenses and to make the declaration within the period prescribed in this section, the return shall be signed and lodged by the election agent only and shall be accompanied by a declaration by the election agent under sub-section (3), and within fourteen days after the return of the candidate to the Hyderabad State he shall cause to be lodged with the Returning Officer a declaration made on oath or affirmation before a Magistrate in the special form for the purpose contained in the said Schedule.

(5) When any return and the declaration made in respect thereof have been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declaration in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and to be published in the Jarida, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and, on payment of such fee, as may be prescribed to obtain a copy or copies thereof or of any part thereof.

(6) Government shall cause to be prepared in such manner, and maintained for such time, as it may direct a record showing the names of all candidates at every election under this Regulation and the name of the election agent of each such candidate and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Maximum Scales of election expenses.

15. The election expenses of any person who has been duly nominated as a candidate at an election in any constituency shall not exceed—

(1) the sum resulting from the multiplication of 3 pies by the number of electors in the constituency, or

(2) Rs. 6,000.

whichever is less.

Restriction on number of persons who may be employed for payment.

16. (1) No candidates shall employ for payment in connection with an election in any constituency more than—

(1) One election agent;

(2) One polling agent for each polling station;

(3) One clerk, one canvasser and one messenger for each polling station.

(2) The names of the persons to be employed as polling agents, clerks, canvassers, and messengers shall be reported by the candidate to the Returning Officer in writing not later than 3 o'clock in the afternoon of—

(*a*) the date appointed for the nomination of candidates; or

(*b*) the date of publication of the list of polling stations, whichever is later.

(3) No person for the time being disqualified for election by, or for entry in the electoral roll of, any constituency shall be employed for payment by any candidate at any election as a polling agent, clerk, canvasser or messenger.

Accounts of agent.

17. Every election agent shall for each election for which he is appointed as an election agent keep separate and regular books of account in which particulars of all expenditure of the nature referred to in section 14 shall be entered whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

CHAPTER IV

Disqualifications of Members: Casual Vacancies; General Election.

Effect of subsequent disqualification.

18. If any person having been elected a member of the Assembly subsequently becomes subject to any of the disqualifications imposed by section 4, Government shall by notification in the Jarida declare his seat to be vacant :

Provided that where such disqualification arises by virtue of a conviction, or a conviction and a sentence, the seat of the member concerned shall not be declared vacant by reason of the disqualification until three months have elapsed from the date thereof, or if within those three months an appeal or petition for revision is brought in respect of the conviction or sentence until that appeal or petition is disposed of, but during any period during which his membership is preserved by this proviso, the member concerned shall not sit or vote.

Resignations and casual vacancies.

19. (1) A member of the Assembly may resign his seat by writing under his hand addressed to the Election Commissioner.

(2) If a vacancy occurs by reason of the resignation or death of a member or of an election being declared void or a seat being declared vacant, Government shall by notification in the Jarida call upon the constituency concerned to elect a person for the purposes of filling the vacancy within such time as may be prescribed by the notification.

Genera Elections

20. (1) As soon as conveniently may be after the commencement of this Regulation a general election to the Assembly shall be held.

(2) For this purpose Government shall by notification in the Jarida call upon the constituencies specified in Schedule I to elect members in accordance with this Regulation within such time as may be prescribed by the notification.

(3) As soon as may be after the expiration of the time fixed for the election of members at the general election the names of the members elected for the various constituencies shall be notified in the Jarida.

Powers in case of difficulty

21. If any difficulty arises as to the holding of any election under this Regulation, Government may by order do anything not inconsistent with this Regulation which appears to them to be necessary or expedient for the proper holding of the election.

CHAPTER V.

The Final Decision of Doubts and Disputes as to the Validity of an Election.

Definitions.

22. In this chapter, unless there is anything repugnant in the subject or context.—

(a) " agent " includes an election agent and any person who is held by the Tribunal to have acted as an agent in connection with an election with the knowledge or consent of the candidate;

(*b*) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election ;

(*c*) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being a candidate, or to vote or refrain from voting at an election ; and

(*d*) "return candidate" means a candidate whose name has been published under this Regulation as duly elected.

The election petition.

23. Save as provided in section 18, no election shall be called in question except by an election petition presented in accordance with the provisions of this chapter.

Presentation of the petition.

24. An election petition against any returned candidate may be presented to the Military Governor—

(*a*) by any candidate or elector within fourteen days from the date on which the return of the election expenses of the returned candidate and the declarations referred to in section 14 are received by the Returning Officer ; or

(*b*) within thirty days from the date by an officer empowered by the Military Governor in this behalf on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed ; or

(*c*) on the ground that the returned candidate or his election agent or any other person acting with the connivance of the candidate or his election agent has been guilty of the offence of bribery undue influence or personation as defined in chapter IX-A of the Asafia Penal Code in respect of the election, by any candidate, or elector within fourteen days from the date on which such returned candidate election agent or other person is convicted of such offence.

(2) An election petition shall be deemed to have been presented to the Military Governor when it is delivered to the Military Governor or to any officer appointed by him in this behalf—

(*a*) by the person making the petition ; or

(*b*) by a person authorised in writing in this behalf by the person making the petition ; or

(*c*) by registered post.

(3) When the last day of the period for the presentation of an election petition under this section is a public holiday within the meaning of section 23 of the Negotiable Instruments Act, 1318 F., or has been notified by Government as a day to be observed as a holiday in Government offices, the petition shall be

deemed to have been received in due time if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

(4) For the purposes of clause (*a*) of sub-section (1), the date on which the return of the election expenses and the declaration, referred to in section 14 are received by the Returning Officer shall in the case of a candidate who has made such return and declaration in the manner provided in sub-section (4) of that section be deemed to be the date on which the declaration of the candidate under that sub-section is received.

Contents of the petition.

25. (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1323 Fasli.

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any currupt practice and the date and place of the commission of each such practice.

(3) The Tribunal may, upon such terms as to costs and otherwise as they may direct, at any time, allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may, in their opinion, be necessary for the purpose of ensuring a fair and effectual trail of the petition.

Against whom it may be presented.

26. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of security.

27. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (*b*) of sub-section (1) of section 24, deposit with it the sum of one thousand rupees as security for the costs of the same.

Dismissal for default.

28. (1) If the provisions of section 24, section 25 or section 27 are not complied with, the Military Governor shall dismiss the petition.

(2) If the petition is not dismissed under sub-section (1)—

Appointment of Election Tribunal.

(*a*) The Military Governor shall appoint an Election tribunal for the trial of the petition consisting of three persons who are or have been, or are eligible to be appointed Judges of the High Court and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Election Tribunal.

(*b*) the President of the Tribunal staff, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Jarida, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond :

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (*b*) of sub-section (1) of Section 24.

(3) When in respect of an election in a constituency more petition than one are presented, the Military Governor shall refer all such petitions to the same Tribunal, who may at its discretion inquire into the petition either in one or in more proceedings as it thinks fit.

(4) If the services of any of the members of the Tribunal are not available for the purposes of the inquiry, or if, during the course of the inquiry, any member of the Tribunal is unable to continue to attend the same, the Military Governor shall appoint another member and the inquiry shall recommence before the Tribunal as so reconstituted :

Provided that the members of the Tribunal may direct that any evidence already recorded may remain upon the record, in which case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

(5) Nothing in this section shall be deemed to prevent the appointment of the President of the Tribunal before the other members of the Tribunal are appointed and if the President is so appointed, all references to the members of the Tribunal shall in these sections in respect of any matter which may be or is to be done before the commencement of the enquiry, be deemed to be references to the President.

Inquiry by Tribunal.

29. Subject to the provisions of this chapter every election petition shall be inquired into by the Tribunal, as nearly as may be in accordance with the procedure applicable under the Hyderabad Civil Procedure Code 1323 F., to the trial of suits :

Provided that it shall only be necessary for the Tribunal to make a memorandum of the substance of the evidence of any witness examined by them.

Place of inquiry.

30. The inquiry shall be held at such place as the Military Governor may appoint :

Provided that the Tribunal may, in its discretion, sit for any part of the inquiry at any other place situated within the constituency in question, and may depute any one of its members to take evidence at any place in the State.

Withdrawal of petition.

31. (1) An election petition may be withdrawn only by leave of the Tribunal or, if an application for withdrawal is made before the Tribunal is appointed, of the Military Governor.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Tribunal, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Jarida.

(4) No application for withdrawal shall be granted if, in the opinion of the Military Governor or of the Tribunal, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted—

(*a*) the petitioner shall, where the application has been made to the Tribunal, be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Tribunal may think fit;

(*b*) notice of the withdrawal shall be published in the Jarida by the Military Governor or by the Tribunal as the case may be; and

(*c*) any person who might himself have been a petitioner may within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing and, upon compliance with the conditions of section 27 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Tribunal may think fit.

Abatement or substitution on death of petitioner

32. (1) An election petition shall abate only on the death of the sole petitioner or of the survivor of several petitioners:

Provided that, where such sole petitioner was an officer empowered under clause (*b*) of sub-section (1) of section 24, the proceedings may be continued by any other officer empowered in this behalf by the Military Governor.

(2) Notice of the abatement of an election petition shall be published in the Jarida by the Tribunal or if the petition abates before a Tribunal has been appointed by the Military Governor.

(3) Any person who might himself have been a petitiones may, within fourteen days of such publication, apply to be substituted as petitioner, and upon compliance with the conditions of section 27 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Tribunal may think fit.

Abatement or subsitution on death of respondent.

33. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Tribunal shall cause notice of such event to be published in the Jarida, and thereupon any person

who might have been a petitioner may, within fourteen days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Tribunal may think fit.

Recrimination when seat claimed.

34. (1) Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election:

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the publication of the election petition under clause (*b*) of sub-section (2) of section 28, given notice of his intention to the Tribunal and made the deposit and procured the execution of the bond referred to in sections 27 and 28 respectively.

(2) Every notice referred to in sub-section (1) shall be accompanied by the statement and list of particulars required by section 25 in the case of an election petition and shall be signed and verified in like manner.

Attendence of Law Officers.

35. When at an inquiry into an election Petition the Tribunal, so orders, the Advocate General or some person acting under his instructions shall attend and take such part therein as the tribunal may direct.

Explanation.—The expression "Advocate-General' includes also a Government Advocate, or, where there is no Advocate-General or Government Advocate, such other officer as the local Government may appoint in this behalf.

Grounds for declaring election void.

36. (1) Save as hereinafter provided in this section, if, in the opinion of the Tribunal,—

(*a*) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or

(*b*) any corrupt practice specified in Part I of Schedule V has been committed, or

(*c*) the result of the election has been materially affected by the improper acceptance or refusal of any nomination or by the improper reception or refusal of a vote or the reception of any vote which is void or by any non-compliance with the provisions of this Regulation or of the rules made thereunder or by any mistake in the use of any prescribed form, or

(*d*) the election has not been a free election by reason of the large number of cases in which undue influence or bribery, within the meaning of Schedule V has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Tribunal reports that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part 1 of Schedule V, which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Tribunal further reports that the candidate has satisfied if that—

(*a*) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(*b*) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(*c*) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(*d*) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents, then the Tribunal may find that the election of such candidate is not void.

Explanation.—For the purpose of this sub-section "treating" means the incurring in whole or in part, by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

Report of the Tribunal and procedure thereon.

37. (1) At the conclusion of the inquiry, the Tribunal shall report whether the returned candidate, or any other party to the petition who has, under the provisions of these sections, claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of section 36.

(2) The report shall further include a recommendation by the Tribunal as to the total amount of costs which are payable and the persons by and to whom such costs should be paid. Such recommendation may include a recommendation for the payment to the Advocate General or a person acting under his instructions, attending in pursuance of an order made under section 35, of costs in respect of that attendance, but shall not include a recommendation for the payment of costs in respect of any other Government expenditure in connection with the inquiry.

(3) The report shall be in writing and shall be signed by the Tribunal. The Tribunal shall forthwith forward its report to the Military Governor who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Jarida, and the orders of the Military Governor shall be final.

From of report.

38. If either in its report or upon any other matter there is a difference of opinion among the members of the Tribunal, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Finding as to corrupt practices and persons guilty thereof.

39. Where any charge is made in an election petition of any corrupt practice, the Tribunal shall record in its report;

(*a*) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice; and

(*b*) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under Chapter IV of this Regulation:

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

SCHEDULE 1.

[*Section* 3 (1) *and* (2)].

Name of Constituency.	No. of members.	No. of seats reserved for Muslim community.	No. of seats reserved for Harijans.	No. of seats reserved for Tribals.
1	2	3	4	5
Hyderabad City, Secunderabad Townand Cantonment				
Darulshafa	2	1	..	..
Chowk	1	1	..	..
Chaderghat	3	1	1	..
Jubilee Hills	2	1	..	..
Secunderabad Town ..	1	*..	..	..
Secunderabad Cantonment	1	..	..	..
Adilabad. ..				
Kinwat	1	..	..	..
Boath	1	..	..	..
Adilabad	2	..	..	1
Nirmal	2	1	..	1
Chinnur	2	..	1	..
Asifabad ..	2	..	1	..
Aurangabad.				
Vaijapur	1	..	..	..
Gangapur	1	..	..	..
Aurangabad	2	1	..	..
Kannad	1	..	..	..
Bhokardan	2	..	1	..
Jalna	2	1	..	..
Ranjani	1	..	..	..
Paithan	2	..	1	..
Sillod	1	..	..	..
Bidar.				
Ahmadpur	1	..	..	..
Udgir	2	..	1	..
Bhalki	2	..	1	..
Narayankhed	1	..	..	..

*Figure " 1 " in column 3 was deleted by Regulation No. XVII of 1950. published in the Extraordinary Jarida No. 25, dated 4th January 1950.

SCHEDULE 1.—(*Contd.*)

[*Section* 3 (1) *and* (2)]

1	2	3	4	5
Bidar—(Contd.)	2	1	..	..
Nilanga	1	..	..	..
Kalyani	2	..	1	..
Zahirabad	2	1	..	..
Bhir.				
Ashti	1	..	..	..
Patoda	1	..	..	..
Bhir	2	1	..	..
Georai	1	..	..	..
Manjlegaon	1	..	..	..
Dindrood	1	..	..	..
Mominabad	2	..	1	..
Gulbarga.				
Aland	1	..	..	..
Gulbarga	3	1	1	..
Shahabad	1	..	..	..
Chincholi	1	..	..	..
Kodangal	2	..	1	..
Sedam	2	1	..	..
Yadgir	3	1	1	..
Shorapur	1	..	..	..
Kakkeri	1	..	..	..
Jevargi	1	..	..	..
Hyderabad.				
Medchal	1	..	..	..
Ibrahimpatnam	2	..	1	..
Dharur	3	1	1	..
Karimnagar.				
Karimnagar	3	1	1	..
Jagtial	1	..	..	..
Malyala	2	..	1	..
Sultanabad	2	..	1	..
Dharmapuri	1	..	..	..
Manthani	1	..	..	..
Mugulapalli	1	..	..	..
Parkal	1	..	..	..
Huzurabad	1	..	..	..
Jammikunta	1	..	..	..
Gambhiraopet	1	..	..	..
Rudrangi	1	..	..	..
Sirsilla	1	..	..	..

SCHEDULE 1.—(*Contd.*)

[*Section* 3 (1) *and* (2)]

1	2	3	4	5
Mahboobnagar.				
Kalvakurthi	2	..	1	..
Mahboobnagar	3	1	1	..
Pargi	2	..	1	..
Narayanapet	1	..	..	..
Makthal	1	..	..	..
Kothakota	1	..	..	..
Wanaparthi	1	..	..	..
Amarabad	1	..	..	..
Jetprole	1	..	..	..
Nagarkarnool	1	..	..	..
Medak.				
Sangareddy	2	1	..	..
Andole	2	..	1	..
Yellareddy	1	..	..	..
Medak	1	..	..	..
Dubbak	1	..	..	..
Siddipet	2	..	1	..
Nalgonda.				
Jangaon	3	1	1	..
Alir	1	..	..	..
Bhongir	1	..	..	..
Ramannapet	1	..	..	..
Nagaram	2	..	1	..
Nalgonda	3	..	1	..
Kodad	1	..	..	..
Huzurnagar	1	..	..	..
Miryalguda	1	..	..	..
Devarkonda	1	..	..	..
Dindi	1	..	..	..
Nanded.				
Nanded	2	1	..	..
Hadgaon	1	..	..	..
Mudhol	2	..	1	..
Billoli	2	..	1	..
Mukharamabad	1	..	..	..
Kandhar	1	..	..	..
Mukhed	1	..	..	..
Nizamabad.				
Nizamabad	2	1	..	..
Armoor	2	..	1	..
Kamareddy	1	..	..	..
Bibipet	1	..	..	..
Banswada	1	..	..	..
Bodhan	1	..	..	..

SCHEDULE 1.—(*Contd.*)

[*Section* 3 (1) *and* (2)]

1	2	3	4	5
Osmanabad.				
Parenda	1	..	..	..
Kalam	2	..	1	..
Lohara	1	..	..	..
Gunjoti	1	..	..	..
Tuljapur	2	..	1	..
Latur	2	1	..	..
Parbhani				
Hingoli	1	..	..	..
Goregaon	1	..	..	..
Kalamnuri	1	..	..	..
Basmath	1	..	..	..
Jintur	2	..	1	..
Parbhani	2	1	..	..
Pathri	2	..	1	..
Palem	1	..	..	..
Raichur				
Gadwal	2	..	1	..
Raichur	3	1	1	..
Sindhnur	1	..	..	..
Manvi	2	1	..	..
Maski	1	..	..	..
Kushtagi	1	..	..	..
Yelbarga	1	..	..	..
Gangavati	1	..	..	..
Koppal	1	..	..	..
Warangal				
Warangal	3	1	1	..
Ghanpur	2	..	1	..
Pakhal	1	..	..	..
Mulug	1	..	..	..
Yellendu	2	..	..	..
Madira	1	..	..	..
Chandrakonda	1	..	..	..
Khammamet	1	..	..	..
Chintakani	1	..	..	..
Mahboobabad	1	..	..	..
Dornakal	1	..	..	..
Yellampet	1	..	..	..

SCHEDULE II.

[*Section* 2 (1) (*c*) & (*f*)]

PART I.—HARIJANS.

1. Adi Andhra.
2. Adi Dravida.
3. Adi Karnataka.
4. Anamuk.
5. Atar.
6. Budhuk.
7. Begari.
8. Bagalu.
9. Balasanthanum.
10. Bantu.
11. Bathini.
12. Bindli.
13. Chambar.
14. Chintala.
15. Dhor.
16. Dher.
17. Dokkalwar.
18. Elamalwar.
19. Garodi.
20. Gangani.
21. Katipamula.
22. Mala.
23. Mahar.
24. Mochi.
25. Mang.
26. Madiga.
27. Mehtar.
28. Malakannai.
29. Malajangam.
30. Manne.
31. Masti.
32. Mala Masti.
33. Mala Sanyasi.
34. Mathura.
35. Mondiwar.
36. Naikapu.
37. Pachabhotla.
38. Padampari.
39. Parmula.
40. Sangari.
41. Sore.
42. Sindhi.
43. Sare.
44. Sunna.

PART II.—TRIBES.

1. Andh.
2. Bhil.
3. Chenchu or Chanchwar.
4. Erkala or Yerukala (including Korvi or Korwa).
5. Gawari.
6. Oond (including Gond and Naikpod and Raj Gond).
7. Hill Reddy.
8. Kolam or Mannervarlu.
9. Koli.
10. Koya (including Bhine Koya and Raj Koya or Racha Koya).
11. Pardhi.
12. Pardhan.
13. Baiga.
14. Dyandra.
15. Vanadi.
16. Tothi.

SCHEDULE III.

FORM OF NOMINATION PAPER.

[*Section* 6 (3)]

Name of the constituency for which the candidate is nominated——————————

Name of candidate——————————

Father's ——————Name——————————

*Husband's

Age——————————

Sex——————————

Address——————————

Denomination (State whether General Harijan, Muslim or Tribal)——————————

Constituency on the electoral roll of which the candidate is registered as an elector——————————

No. of candidate in above electoral roll——————————

Name of proposer——————————

No. of proposer in the electoral roll——————————

Signature of proposer——————————

Name of seconder——————————

No. of seconder in the electoral rolls——————————

Signature of seconder——————————

*To be filled in only if the candidate is a married woman or a widow.

DECLARATION BY CANDIDATE.

I hereby declare that I agree to this nomination and that I have appointed——————————to be my election agent.

Date—————— *Signature of the candidate*——

CERTIFICATE OF DELIVERY.

Serial No.——————

This nomination paper was delivered to me at my office at——————a.m./p.m.——on the——————19 .

Returning Officer or other authorised person.

CERTIFICATE OF SCRUTINY.

I have scrutinised the eligibility of the candidate, the proposer and seconder, and find that they are, respectively qualified to stand for election and to propose and second the nomination.

*The candidate is qualified to be elected to fill the seat required to be filled by a Harijan/Muslim/Tribal.

The symbol assigned to the candidate is----------

Date----------*Returning Officer or other authorised person.*

(REVERSE OF NOMINATION PAPER)

I hereby certify that the following is a true copy of an entry contained in the electoral roll for the----------polling station in the ----------constituency as amended after the disposal of all claims and objections relating to the electoral area under which the said entry occurs :—

Serial No.	Name of elector (with father's or husband's name, where necessary) and address.	Qualification.
1	2	3

Form of certificate to accompany the nomination paper of a candidate in any constituency in which a seat is reserved. The certificate must be signed by a gazetted officer.

I hereby certify that----------, son of---------- ----residing at----------, is a Harijan /a Muslim/a member of the Tribal Class.

N. B.—This nomination paper will not be valid unless it is delivered to the Returning Officer (or other person required or authorised to receive it) at his office befor 3 p.m. on the date fixed for the nomination of candidates.

* To be filled in only in the case of a constituency in which a seat is reserved for Harijans, Muslims or Tribals, and in such constituency only in the case of a candidate who has declared his denomination as Harijan, Muslim or Tribal, as the case may be (a candidate for a reserved seat). Also, in such a case the words which are, inapplicable should, be struck out.

SCHEDULE IV.

RETURN OF ELECTION EXPENSES.

[*Section* 14 (1)].

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown :—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature.

(*b*) the name, and the rate and total amount of the pay of each person employed as an agent (including the election agent), clerk or messenger ;

(*c*) the travelling expenses and any other expenses incurred by the candidate of his election agent on account of agents (including the election agent), clerks or messengers ;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature and whether paid or incurred by the candidate, his election agent or the persons so travelling ;

(*e*) the cost whether paid or incurred of :—

(*i*) printing ;

(*ii*) advertising ;

(*iii*) stationary ;

(*iv*) postage ;

(*v*) telegrams ; and

(*vi*) rooms hired either for public meeting or ascommittee rooms ;

(*f*) any other miscellaneous expenses whether paid or incurred.

3. The form of the declaration referred to in sub-section (3) of section 14 shall be as follows :—

FORM OF DECLARATION BY ELECTION AGENT.

I,————————————being the appointed election agent, for————————————a candidate for election in the————————————constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that except the expenses herein set forth no expenses of any nature whatsoever have to my knowledge and belief been incurred in, or for the purpose of————————————'s candidature.

————————————

Election Agent.

Solemnly affirmed before me.

————————————

Magistrate.

FORM OF DECLARATION BY CANDIDATE.

I, ——————————————being a candidate for election in the ——————————constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purpose of my candidature.

———————————
Candidate.

Solemnly affirmed before me.

———————————
Magistrate.

4. The special form of declaration to be made under sub-section (4) of section 14 by a candidate who owing to absence from India was unable to sign the return of election expenses and to make the required declaration shall be as follows :

SPECIAL FORM OF DECLARATION BY A CANDIDATE UNDER SECTION 14 (4).

I, ——————————————being a candidate for election in the ——————————constituency, do hereby solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions noted below) true to the best of my knowledge and belief, and that (with the exception noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge and belief been incurred in, for the purposes of, my candidature.

PARTICULARS OF EXCEPTIONS.

(1)
(2)
(3) etc., etc.

(Sd.) ———————————
Candidate.

Solemnly affirmed before me.

(Sd.) ———————————
Magistrate.

Note :—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage), a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

SCHEDULE V.

CORRUPT PRACTICES.

[*Sections* 4 (3), 25, 36 *and* 39].

PART I.

1. Bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing :—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate at an election ;

(*b*) an elector to vote or refrain from voting at an election ; or as a reward to—

(*i*) a person for having so stood or not stood, or for having withdrawn his candidature ; or

(*ii*) an elector for having voted or refrained from voting.

For the purpose ot this paragraph the term " gratification " is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all form for entertainment and all forms of employment of reward ; but it does not include the payment of any expense *bona fide* incurred in, or for the purpose of, any election, and duly entered in the return of election expenses prescribed by these sections.

2. Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right ;

Explanation I.—Without prejudice to the generality of the provisions of this paragraph, any such person as is referred to therein who—

(*i*) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind ; or

(*ii*) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure ;

shall be deemed to interfere with the free exercise of the electoral right of that candidate or elector within the meaning of this paragraph.

Explanation II.—A declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this paragraph.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead or in a fictitious name, or by a person for a voting paper in his own name, when, by reason of the fact that he has already voted in the same or some other constituency he is not entitled to vote,

4. The removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent.

5. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

6. The incurring or authorising by a candidate or his agent of expenditure, or the employment of any person by a candidate or his agent, in contravention of the provision of section 15 or section 16.

PART II.

1. Any act specified in Part I of this Schedule, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

3. The receipt of, or agreement to receive, any gratification whether as a motive or a reward—

(*a*) by a person for standing or not standing as, or for withdrawing from being, a candidate ; or

(*b*) by any person whosoever for himself or any other person for voting or refraining from voting or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

For the purposes of this paragraph the term " gratification " has the same meaning as it has for the purposes of paragraph I of Part I of this Schedule.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

5. The hiring, employment, borrowing or using for the purpose of the election of any vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire :

Provided that any elector may hire any vehicle or animal, or use any vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

6. The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

PART III.

1. The incurring or authorisation by any person other than a candidate or his agent, of expenses on account of holding any public meeting, or upon any advertisement, circular or publication or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate.

2. The hiring, using or letting, as a committee room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

3. The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

THE GOVERNMENT OF HYDERABAD (CONSTRUCTION OF REFERENCES) REGULATION, 1359 F.

No. VII OF 1359 F.

CONTENTS.

Sections.

1. Short title and commencement.

2. Construction of references to certain authorities.

* THE GOVERNMENT OF HYDERABAD (CONSTRUCTION OF REFERENCES) REGULATION, 1359 F.

No. VII OF 1359 FASLI.

WHEREAS it is expedient to provide for the construction of references to certain authorities ;

NOW, THEREFORE, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Government of Hyderabad (Construction of References) Regulation, 1359 F.

(2) It shall come into force on the 1st day of Bahman, 1359 Fasli (December, 1949).

Construction of references to certain authorities.

2. All regulations and all notifications, orders, rules, bye-laws or other instruments which immediately before the commencement of this Regulation were in force in the Hyderabad State or any part thereof shall be construed as if references to the Military Governor were references therein to the Chief Civil Administrator or to a Member of the Military Government or of the Government were references to the corresponding Member of the Council of Ministers.

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* Published in the Extraordinary Jarida No. 18, dated 1-3-1359 Fasli.

THE HYDERABAD SPECIAL TRIBUNALS (TERMINATION) AND SPECIAL JUDGES (APPOINTMENT) REGULATION, 1359 F.
No. X of 1359 F.

CONTENTS.

SECTIONS.

1. Short title and commencement.

2. Definitions.

3. Termination of Special Tribunals.

4. Appointment of Special Judges.

5. Offences to be tried by Special Judges.

6. Procedure of Special Judges.

7. Powers of Special Judges.

8. Section 7 of the said Regulation to apply.

9. Appeals from order of acquittal.

10. Application of Code.

*THE HYDERABAD SPECIAL TRIBUNALS (TERMINATION) AND SPECIAL JUDGES (APPOINTMENT) REGULATION, 1359 Fasli.

No. X of 1359 Fasli.

Whereas it is expedient to provide for the termination of all save one of the Special Tribunals constituted under the Special Tribunals Regulation (No. V of 1358 F.) and consequentially upon such termination to provide for the appointment, power and procedure of Special Judges;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Hyderabad Special Tribunals (Termination) and Special Judges (Appointment) Regulation, 1359 F.

(2) It shall come into force from the date of its publication in the Jarida.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context—

(*a*) "Code" means the Hyderabad Code of Criminal Procedure;

(*b*) "Said Regulation" means the Special Tribunals Regulation (No. V of 1358 F.) as in force immediately before the commencement of this Regulation;

(*c*) "Special Judge" means a Special Judge appointed under section 4;

(*d*) "Special Tribunal" means a Special Tribunal constituted under section 2 of the said Regulation and the "Fourth Special Tribunal" means the Tribunal so constituted by the order of the Military Governor published with the notification of the Home Department No. 53 dated the 26th Amardad, 1358 F. (26th June, 1949).

Termination of Special Tribunals.

3. (1) On the commencement of this Regulation the power to constitute Special Tribunals conferred by section 2 of the said Regulation shall, save for the purpose of altering the composition of the Fourth Special Tribunal, cease to be exercisable.

(2) On the 16th day of December, 1949 every Special Tribunal, except the Fourth Special Tribunal, shall be deemed to have been dissolved.

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*Published in the Extraordinary Jarida No. 17, dated 13th Bahman, 1359 Fasli.

(3) Save as expressly provided in this Regulation nothing contained therein shall affect the continued operation of the said Regulation in relation to the Fourth Special Tribunal or in relation to anything done by any other Special Tribunal before the date on which it was deemed to be dissolved.

Appointment of Special Judges.

4. The Chief Minister shall, after consulting the High Court appoint so many Special Judges as may from time to time be required for the Purposes of section 5.

Offences to be tried by Special Judges.

5. (1) Every Special Judge shall try—

(*a*) such offences of which the trial was immediately before the 15th December, 1949 pending before a Special Tribunal deemed under sub-section (2) of section 3 to have been dissolved on that date as are made over to him for trial by the Chief Minister or by a person authorised by the Chief Minister in this behalf.

(*b*) such offences as are after the commencement of this Regulation made over to him for trial by the Chief Minister or by a person authorised by the Chief Minister in this behalf.

(2) The Chief Minister or a person authorised by him in this behalf may transfer any case from one Special Judge to another Special Judge or from a Special Judge to a court constituted under the Code or from such court to a Special Judge.

Procedure of Special Judges.

6 *[(1)] A Special Judge may take cognizance of offences without the accused being committed to him for trial, and in the trial of every offences, of which he so takes cognizance, shall follow the procedure prescribed in the Code for the trial of warrant cases by Magistrate.

*[(2) In respect of any trial held before a Special Judge—

(*i*) the Special Judge may direct that the proceedings shall be in the English language ;

(*ii*) the judgment may be written in the English language.]

Powers of Special Judges.

7. Subject to the provisions of sections 4 and 5, a Special Judge shall have all the powers conferred by the Code on a court of Session exercising original jurisdiction and in particular may pass any sentence authorised by the law.

Section 7 of the said Regulation to apply.

8. All the provisions of section 7 of the said Regulation shall have effect in relation to sentences passed by a Special Judge as if every reference in the said Regulation to a Special Tribunal included a reference to a Special Judge.

Appeals from order of acquittal.

9. Notwithstanding anything contained in section 7 of the said Regulation or in section 8 of this Regulation the provisions of the Code and of the Hyderabad Limitation Act

* As amended by Act No. XX of 1950, published in the Extraordinary Jarida No. 58 dated 6th June, 1950.

in relation to appeals from an order of acquittal passed by any court other than the High Court shall apply in relation to appeals from an order of acquittal passed—

(1) by a Special Tribunal whether before or after the commencement of this Regulation;

(2) by a Special Judge.

Application of Code.

10. Subject to the provisions of this Regulation, the Code shall apply in respect of and in relation to proceedings before a Special Judge and, subject as aforesaid, a Special Judge shall be deemed to be subordinate to the High Court.

THE DISSOLVED SPECIAL TRIBUNAL (ISSUE OF WARRANTS) REGULATION, 1359 F.

NO. XIII OF 1359 F.

CONTENTS.

Sections.

1. Short title and commencement.

2. Definition.

3. Issue of warrants and other instruments.

*THE DISSOLVED SPECIAL TRIBUNALS (ISSUE OF WARRANTS) REGULATION, 1359 F.

No. XIII of 1359 F.

Whereas it is expedient to provide for the issue of warrants of execution of sentences passed by the dissolved Special Tribunals,

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Dissolved Special Tribunals (Issue of Warrants) Regulation, 1359 F.

(2) It shall be deemed to have come into force on the 16th day of December, 1949.

Definition.

2. In this Regulation "Dissolved Special Tribunal" means a Special Tribunal deemed by sub-section (2) of section 3 of the Hyderabad Special Tribunals (Termination) and Special Judges (Appointment) Regulation, 1359 F., to have been Dissolved on the 16th day of December, 1949.

Issue of warrants and other instruments.

3. Any warrant of execution of a sentence passed by a Dissolved Special Tribunal and any other instrument arising out of such sentence may be issued by and under the signature of such Special Judge as defined in section 2 of the Hyderabad Special Tribunals (Termination) and Special Judges (Appointment) Regulation, 1359 F., as the Chief Minister may appoint in this behalf, and upon such issue shall be as valid and effectual for all purposes as if the dissolved Special Tribunal had not been dissolved and the warrant or other instrument had been issued by the dissolved Special Tribunal.

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*Published in the Extraordinary Jarida No. (19) dated 24th Bahman, 1359 Fasli.

THE HYDERABAD ELECTIONS INQUIRIES (EXTENSION OF APPLICATION) REGULATION, 1359 F.

No. XV OF 1359 F.

CONTENTS

SECTIONS.

1. Short title and commencement.

2. Section 12 of Elections Inquiries Regulation to apply in respect of elections to Constituent Assembly.

*THE HYDERABAD ELECTIONS INQUIRIES (EXTENSION OF APPLICATION) REGULATION, 1359 FASLI.

No. XV OF 1359 F.

Whereas it is expedient that the provisions of section 12 of the Hyderabad Elections Inquiries Regulation, 1355 F., should apply in respect of elections to the Hyderabad Constituent Assembly ;

Now, therefore, in exercise of the authority vested in me or the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Hyderabad Elections Inquiries (Extension of Application) Regulation, 1359 F.

(2) It shall come into force from the date of its publication in the Jarida.

Section 12 of Elections Inquiries Regulation to apply in respect of Elections to Constituent Assembly.

2. Section 12 of the Hyderabad Elections Inquiries Regulation, 1355 F., shall apply in respect of an election to the Hyderabad Constituent Assembly in like manner as it applies in respect of an election as defined in the said Regulation.

*Published in Jarida No. (14) dated 2nd January, 1950.

THE HYDERABAD CONSTITUENT ASSEMBLY (TRANSFERRED VILLAGES) REGULATION, 1359 FASLI.

No. XIX OF 1359 F.

CONTENTS

SECTIONS.

1. Short title and commencement.

2. Definitions.

3. Inclusion of new and exclusion of former Hyderabad Villages in and from constituencies.

4. Effect of Constituent Assembly Electoral Roll.

Schedule I.

Schedule II.

*THE HYDERABAD CONSTITUENT ASSEMBLY (TRANSFERRED VILLAGES) REGULATION, 1359 F.

No. XIX OF 1359 F.

Whereas certain villages heretofore included in the Province of Madras or the Province of Bombay are about to be transferred to the Hyderabad State and certain other villages heretofore included in the Hyderabad State are about to be transferred to the Province of Madras or the Province of Bombay;

And whereas it is expedient that inhabitants of the villages to be transferred to the Hyderabad State should be enabled to participate and that inhabitants of the villages to be transferred to the Province of Madras or the Province of Bombay should be disabled from participating, in elections to the Hyderabad Constituent Assembly;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Hyderabad Constituent Assembly (Transferred Villages) Regulation, 1359 F.

(2) It shall come into force on such date (not being earlier than the date on which the transfer of villages takes effect) as Government may by notification in the Jarida appoint in this behelf.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context—

(a) " Assembly " means the Hyderabad Constituent Assembly ;

(b) " constituency " means a constituency of the Assembly ;

(c) " Constituent Assembly Electoral Law " includes the Hyderabad Constituent Assembly (Preparation of Electoral (Rolls) Regulation, 1358 F., the Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 F., the Hyderabad Constituent Assembly (Elections and Election Petitions) Regulation, 1359 F., and all rules made under any of the said Regulation ;

(d) " former Hyderabad village" means a village (including its hamlets) which has been transferred from the Hyderabad State to the Province of Madras or the Province of Bombay ;

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*Published in the Extraordinary Jarida No. (26) dated 11th January, 1950.

(*e*) "new Hyderabad village" means a village (including its hamlets) which has been transferred to the Hyderabad State from the Province of Madras or the Province of Bombay.

Inclusion of new and exclusion of former Hyderabad villages in and from constituencies.

3. Notwithstanding anything contained in the Constituent Assembly Electoral Law, every new Hyderabad village specified in the second column of Schedule I shall be included in the constituency specified in the corresponding entry in the third column thereof, and every former Hyderabad village specified in the second column of Schedule II shall be excluded from the constituency specified in the corresponding entry in the third column thereof.

Effect of Constituent Assembly Electoral Roll.

4. All provisions of the Constituent Assembly Electoral Law shall have effect as if—

(1) every new Hyderabad village had always been included in the Hyderabad State and in the constituency in which it is included by section 2, and

(2) no former Hyderabad village had been included in the Hyderabad State or in the constituency from which it is excluded by section 3 :

Provided as follows :—

(*a*) The Hyderabad Constituent Assembly (Preparation of Electoral Rolls) Regulation, 1358 F., shall not apply in respect of so much of the electoral roll for a constituency as relates to a new Hyderabad village and the Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 F., shall have effect in respect thereof as if the roll furnished by the Government of Madras or the Government of Bombay, as the case may be, for a new Hyderabad village were the preliminary electoral roll referred to in sub-section (2) of section 3 of the last named Regulation ;

(*b*) notwithstanding anything contained in last named Regulation—

(*i*) so much of the roll for any constituency as relate to a former Hyderabad village shall be removed from the roll ;

(*ii*) upon the completion of the action required by the last named Regulation in relation to the roll furnished by the Government of Madras or the Government of Bombay for a new Hyderabad village the said roll shall be added to the electoral roll for the constituency in which the new Hyderabad village is included.

SCHEDULE I.

(Section 3).

Srl. No.	New Hyderabad Village.	Constituency in which included.	Srl. No.	New Hyderabad Village.	Constituency in which included.
1	2	3	1	2	3
1.	Koyat Khed	Vaijapur.	43.	Pimpalwadi	Ashti
2.	Anchalgaon	,,	44.	Khokar Mohu	,,
3.	Balhegaon	,,	45.	Ghogawadi	,,
4.	Hangni	,,	46.	Biurigawadi	,,
5.	Sakegaon	,,	47.	Rupwadi	,,
6.	Pokhari	,,	48.	Khelad	,,
7.	Babul khed	,,	49.	Dongergaon	,,
8.	Khardi	,,	50.	Devi Nimbgaon	,,
9.	Salegaon	,,	51.	Kada	,,
10.	Malegaon	,,	52.	Seri (Khurd)	,,
11.	Bhokargaon	,,	53.	Gandiwadi	,,
12.	Narsipoor	Kannad	54.	Kansiwadi	,,
13.	Makrundpoor	,,	55.	Gangawadi	,,
14.	Malpoor	,,	56.	Bhidsangvi	,,
15.	Wadali	,,	57.	Amwadi	,,
16.	Bhokangaon	,,	58.	Kaswadi	,,
17.	Pallasgaon	,,	59.	Brahmangaon	,,
18.	Banshundra	,,	60.	Bhalaoni	,,
19.	Hutnoor	,,	61.	Hajipur	,,
20.	Jamdi	,,	62.	Borle	,,
21.	Chapneer	,,	63.	Padli	,,
22.	Jalgaon	,,	64.	Gurgaon	,,
23.	Wodolwadi	,,	65.	Takalgohan	,,
24.	Chikkalthan	,,	66.	Sonari	Parenda
25.	Withalpur	,,	67.	Savargaon	,,
26.	Malunja (Khurd)	Gangapur.	68.	Upla	,,
27.	Sarasmerga	Georai	69.	Wagoli	,,
28.	Kalwayai	,,	70.	Kajla	,,
29.	Bandalwadi	,,	71.	Pawarwadi	,,
30.	Taratwadi	,,	72.	Rajwadi	,,
31.	Deemakwadi	,,	73.	Kukrambawadi	Tuljapur
32.	Soangaon	,,	74.	Thodula	,,
33.	Murshidpur	,,	75.	Kukramba	,,
34.	Arwi	Ashti	76.	Khatachiwadi	,,
35.	Jahpewadi	,,	77.	Managrole	,,
36.	Seroor	,,	78.	Sarawadi	,,
37.	Kanujwadi	,,	79.	Khandlikarwadi	,,
38.	Roalwadi	,,	80.	Arlibudruka	,,
39.	Hakshas Bhawan	,,	81.	Kalegaon	,,
40.	Hinganwada	,,	82.	Hadalgi	Gulbarga
41.	Gomalwadi	,,	83.	Ainapur	Jevargi
42.	Hingalwadi	,,	84.	Hagdahal	Kushtagi

SCHEDULE.—(*Contd.*)

(Section 3).

1	2	3	1	2	3
85.	Hirejumgud ..	Kushtagi	94.	Lakkavaram	Huzurnagar
86.	Gondagaon ..	,,	95.	Srinivas Puram	,,
87.	Hanmanhal	,,	96.	Sitaram Puram ..	,,
88.	Hirebahadurdinni	Manvi	97.	Kundiah Guddam	,,
89.	Kalvapalli	Huzurnagar	98.	Ganuga Banda ..	,,
90.	Kavasaram Guddam	,,	99.	Amravaram ..	,,
91.	Sarva Varam ..	,,	100.	Ayanna Guddam.	,,
92.	Laxmi Puram ..	,,	101.	Mulu Kumadoo	Madhira
93.	Lingagiri ..	,,	102.	Mallavaram ..	,,
			103.	Ramapi Malla ..	,,

SCHEDULE II.

(Section 3).

Srl. No.	Former Hyderabad village.	Constituency from which excluded.	Srl. No.	Former Hyderabad village.	Constituency from which excluded.
1	2	3	1	2	3
1.	Belwara Jagir	Patoda	42.	Ridhora	Parenda
2.	Kaudgaon	Ashti	43.	Sendri (Jagir)	,,
3.	Hasnabad	,,	44.	Puchpudwadi	,,
4.	Giroli	,,	45.	Upla	,,
5.	Pimpalkhed	,,	46.	Boregaon	Tuljapur
6.	Chandi	,,	47.	Raulgoan	,,
7.	Aghi	,,	48.	Ashta	,,
8.	Khamgaon	,,	49.	Pophali	,,
9.	Dhanora	,,	50.	Virwad Khurd	,,
10.	Dakhrabad	,,	51.	Shivani	,,
11.	Halegaon	,,	52.	Karmba (Jagir)	,,
12.	Nanaj	,,	53.	Varlegaon	,,
13.	Wagh	,,	54.	Chikdhali	,,
14.	Jawalki	,,	55.	Yellamwadi	,,
15.	Dhanegaon	,,	56.	Bopla	,,
16.	Jawla	,,	57.	Yeruda	,,
17.	Taradgaon	,,	58.	Mangoli	,,
18.	Balewadi	,,	59.	Bhairawawadi	,,
19.	Potegaon	,,	60.	Waloja	,,
20.	Borgaon	,,	61.	Degaon	,,
21.	Dimeshwar	,,	62.	Sasoora	,,
22.	Andewadi (Jagir)	Gulbarga	63.	Daksal	,,
23.	Kakrelbeli	Jewargi	64.	Mungsi	,,
24.	Madbal	,,	65.	Bhagaiwadi	,,
25.	Dholar	Kakkeri	66.	Kowtali	,,
26.	Bhatnoor	,,	67.	Kalman	,,
27.	Nagerbetta	,,	68.	Soklewadi	,,
28.	Shelgaon	Parenda	69.	Malachowdhari	,,
29.	Bhawanja Buzurg	,,	70.	Padsali	,,
30.	Shirpad Pimpari	,,	71.	Wangi	,,
31.	Anjangaon	,,	72.	Khaneshwar	,,
32.	Jamgaon (Buzurg)	,,	73.	Bhoir	,,
33.	Kevda	,,	74.	Ranmasla	,,
34.	Sultanpur	,,	75.	Dharpal	,,
35.	Chavanwadi	,,	76.	Nanaj	,,
36.	Hatkarwadi	,,	77.	Mohtechiwadi	,,
37.	Kapsewadi	,,	78.	Gharlachiwadi	,,
38.	Dhanora	,,	79.	Pawanwadi	,,
39.	Manegaon	,,	80.	Ghopadi	,,
40.	Buzurgwadi	,,	81.	Inchegaon	,,
41.	Khairao	,,	82.	Mugli	Kushtagi

SHEDULE.—(*Contd.*)

(Section 3.)

1	2	3	1	2	3
83.	Mallapur (Jagir) .	,,	97.	Partiala ..	Madhira
84.	Santgira ..	,,	98.	Battulpadu ..	,,
85.	Baleguda ..	,,	99.	Mogaluru ..	,,
86.	Chigalgundi ..	,,	100.	Atkuru ..	,,
87.	Bamsagar ..	Kushtagi	101.	Peta ..	,,
88.	Sarjapur ..	,,	102.	Ganugapadu ..	,,
89.	Kurbanhal (Jagir)	,,	103.	Tekalpalli ..	,,
90.	Gulaguli (Jagir)	Yelberga	104.	Santapalli ..	,,
91.	Itgi (Jagir) ..	,,	105.	Kotturu ..	,,
92.	Hiralgundi (Jagir)	,,	106.	Pullarlamudi ..	,,
93.	Gadesankapur ..	Maski	107.	Chiklgudam ..	,,
94.	Kodavatkallu ..	Madhira	108.	Buruvancha ..	,,
95.	Ustepalli ..	,,	109.	Malvalli ..	,,
96.	Kondapeta ..	,,	110.	Pullampad ..	,,

THE HYDERABAD PREVENTION OF THEFTS FROM GOLD MINES REGULATION, 1359F.

No. XXIII OF 1359 F.

CONTENTS.

Sections.

1. Short title and commencement.
2. Definitions.
3. Licence required for dealings in unwrought gold.
4. Grant and conditions of licence.
5. Punishment for contravention of sections 3.
6. Presumptions.
7. Punishment for breach of conditions of licence.
8. Restriction on possession and removal of unwrought gold by persons employed in gold mines.
9. Power of search.
10. Power to remove from area.
11. Offences to be cognizable.
12. Rules.

*THE HYDERABAD PREVENTION OF THEFTS FROM GOLD MINES REGULATION, 1359 F.

No. XXIII OF 1359 F.

Whereas it is expedient to make provision for the prevention of thefts from gold mines;

Now, Therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Hyderabad Prevention of Thefts from Gold Mines Regulation, 1359 F.

(2) This section shall come into force at once and Government may by notification in the Jarida direct that the remaining provisions of this Regulation shall come into force in such areas and from such date in respect of each area as may be specified in the notification.

(3) Government may by notification in the Jarida direct that the remaining provisions of this Regulation shall cease to be in force in any area in which they are for the time being in force by virtue of a notification under sub-section (2).

Definitions

2. In this Regulation unless there is anything repugnant in the subject or context :—

(*a*) " notified area " means an area in which sections 2 to 12 of this Regulation are for the time being in force;

(*b*) " prescribed " means prescribed by rules made under this Regulation ;

(*c*) " unwrought gold " includes—

(*i*) bar gold, gold bullion and any alloy containing gold in any form whatever which though smelted is not made up into articles of jewellery, vessels, coins, or other articles of use or commerce ;

(*ii*) gold ores, native gold, gold amalgam, sponge gold, zinc precipitates, slags, concentrates, tailings, residues and other valuable mineral products of gold mines in any stage of treatment or extraction ;

(*d*) words and expressions defined in the Hyderabad Mines Regulation, 1359 F. shall have the meanings assigned to them in that Regulation.

* Published in the Extraordinary Jarida No. 27 dated 24th January, 1950

Licence required for dealings in unwrought gold.

3. No person, not being the owner or manager of a gold mine or a person acting under the authority of such owner or manager, shall buy, sell or otherwise deal in unwrought gold save under the authority of a goldsmith's licence.

Grant and conditions of licence.

4. (1) A glodsmith's licence shall be granted by such authority, in such form, on payment of such fee and subject to such conditions, including conditions as to the duration, renewal and cancellation of the licence, as may be prescribed.

(2) The grant or refusal of a goldsmith's licence shall be within the absolute discretion of the prescribed authority.

Punishment for contravention of section 3.

5. Whoever commits a contravention of section 3 shall be punishable with imprisonment of either description for a term which may extend, where the offender has not been previously convicted of an offence punishable under this section, to one year, and where he has been so convicted, to three years, or in either case with fine which may extend to five hundred rupees or to the value of the unwrought gold in respect of which the contravention was committed whichever is greater, or with both.

Presumptions.

6. (1) A person proved to have been in possession of unwrought gold without the written permission of the owner or manager of a gold mine shall be presumed, unless the contrary is proved, to have committed a contravention of section 3.

(2) If any unwrought gold is found on any premises the occupier of the premises shall, until the contrary is proved, be presumed to have been in possession of the unwrought gold so found.

Punishment for breach of conditions of licence.

7. Whoever commits a breach of the conditions of a goldsmith's licence shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Restriction on possession and removal of unwrought gold by persons employed in gold mines.

8. (1) Without prejudice to the generality of the provisions hereinbefore contained no person employed in a gold mine shall, save under the authority of the owner or manager of the mine—

(*a*) have unwrought gold in his possession within a notified area, or

(*b*) remove or attempt to remove unwrought gold from the precincts of the mine.

(2) Whoever commits a contravention of sub-section (1) shall be punishable with imprisonment of either description for a term which may extend, where the offender has not been previously convicted of an offence punishable under this section, to one year, and where he has been so convicted, to three years, or in either case with fine which may extend to five hundred rupees or to the value of the unwrought gold in respect of which the contravention was committed whichever is greater, or with both.

Power of search.

9. (1) With a view to satisfy himself that a person employed in a gold mine has not committed or is not about to commit an offence punishable under section 8, the owner or manager of the mine or any person authorised by such owner in this behalf may within the precincts of the mine search any person so employed.

(2) Any person who offers resistance to, or obstructs, the exercise of the power conferred by sub-section (1) shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to remove from area.

10. (1) If Government is satisfied, upon the report of an officer exercising jurisdiction in a notified area or otherwise, that the presence in a notified area of any person resident therein is calculated to lead the commission of offences punishable under this Regulation, Government may, by a written order served upon such person, require him to remove himself from the area within such time as may be specified in the order and not to re-enter the area while the order remains in force.

(2) Whoever fails to comply with, or acts in contravention of, an order served upon him under sub-section (1) shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Offences to be cognizable.

11. Notwithstanding anything contained in the Hyderabad Code of Criminal Procedure all offences punishable under this Regulation shall be cognizable.

Rules.

12. Government may by notification in the Jarida make rules—

(1) for the matters which under section 4 are to be prescribed; and

(2) generally for the carrying out of the purposes of this Regulation.

THE INDIAN CURRENCY (LEGAL TENDER) REGULALION, 1359 F.

No. XXIV OF 1359 F.

CONTENTS.

Sections.

1. Short title, extent and commencement.

2. Indian coins, bank notes and currency notes to be legal tender; rate of exchange.

3. Saving of legal tender character of Hyderabad currency.

4. Application of section 17, Hyderabad Currency Act to Indian coins.

*THE INDIAN CURRENCY (LEGAL TENDER) REGULATION, 1359 F.

No. XXIV OF 1359 F.

Whereas it is expedient that Indian Currency should be legal tender in the State of Hyderabad in addition to Hyderabad Currency;

Now, therefore, in exercise of the authority vested in me for the administration of the State of Hyderabad and of all other powers enabling me in this behalf, I hereby make the following Regulation :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Indian Currency (Legal Tender) Regulation, 1359 Fasli.

(2) It extends to the whole of the Hyderabad State and shall come into force on the twenty-sixth day of January, 1950.

Indian coins, bank notes and currency notes to be legal tender; rate of exchange.

2. (1) All coins, bank notes and currency notes which are for the time being legal tender in the Provinces of India shall, subject to the conditions for the time being applicable in the Provinces of India in respect of defacement, loss of weight or the like, be legal tender in the State of Hyderabad in payment or on account for the sum or amount in terms of Indian Currency for which they are legal tender in the Provinces of India and for the corresponding sum or amount in terms of Hyderabad Currency.

(2) For the purpose of sub-section (1), the corresponding sum or amount in terms of Hyderabad Currency shall be calculated at the rate of one rupee two annas and eight pies of Hyderabad Currency for one rupee of Indian Currency.

Saving of legal tender character of Hyderabad Currency.

3. Nothing in section 2 shall affect the provisions of the Hyderabad Currency Act (III of 1321 F.) and the Hyderabad Paper Currency Act (II of 1327 F) under which the coins and currency notes of the Hyderabad. State are legal tender.

Application of section 17, Hyderabad Currency Act to Indian coins.

4. Section 17 of the Hyderabad Currency Act (III of 1321 F.) shall apply in respect of coins which are (legal tender) under section 2 of this Regulation in like manner as it applies in respect of Nizam's coin.

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*Published in the Extraordinary Jarida No. (28) dated 25th January, 1950.

THE HYDERABAD JAGIRS (COMMUTATION) REGULATION, 1359 F.

No. XXV OF 1359 F.

CONTENTS.

SECTIONS.

1. Short title and commencement.

2. Definitions.

3. Calculation of commutation sum.

4. Calculation of basic annual revenue.

5. Determination of commutation sum.

6. Distribution of commutation sum.

7. Payment of commutation sum ; cessation of interim allowances.

8. Recovery of loans by Government.

9. Restriction on alienation and attachment.

10. Special provision for Jagirs granted to temples, etc.

11. Rules.

Schedule.

*THE HYDERABAD JAGIRS (COMMUTATION) REGULATION, 1359 F.

No. XXV OF 1359 F.

WHEREAS it is expedient to provide for the termination of the interim allowance payable under the Hyderabad (Abolition of Jagirs) Regulation, 1358 F. and for the determination of the terms of commutation of Jagirs ;

NOW, THEREFORE, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Hyderabad Jagirs (Commutation) Regulation, 1359 F.

(2) It shall come into force from the date of its publication in the Jarida.

Definitions.

2. In this Regulation unless there is any thing repugnant in the subject or context—

(*a*) " Jamiat Jagir " means a Jagir specified in the Schedule ;

(*b*) " prescribed " means prescribed by rules made under this Regulation ;

(*c*) " said Regulation " means the Hyderabad (Abolition of Jagirs) Regulation, 1358 F. ;

(*d*) words and expressions defined in section 2 or section 7 of the said Regulation shall have the meaning assigned to them therein.

Calculation of commutation sum.

3. The commutation sum for every jagir shall be the sum resulting from the multiplication of the basic annual revenue of the jagir calculated in accordance with section 4 by the figure specified in the appropriate entry in the second column of the annexed table :

Provided that for any jagir for which the commutation sum so calculated would be less than the alternative sum specified in the appropriate entry in the third column of the annexed

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* Published in the Extraordinary Jarida No. (29) dated 25th January, 1950.

table the commutation sum shall be the alternative sum so specified.

Basic annual revenue	Figure by which to be multiplied	Alternative sum
1	2	3
		Rs.
1. Rs. 2,000 or less	30	..
2. More than Rs. 2,000 but not more than Rs. 5,000	25	60,000
3. More than Rs. 5,000 but not more than Rs. 25,000.	20	1,25,000
4. More than Rs. 25,000 but not more than Rs. 50,000	17½	5,00,000
5. More than Rs. 50,000 but not more than Rs. 1,00,000	15	8,75,000
6. More than Rs. 1,00,000 but not more than Rs. 2,00,000	12½	15,00,000
7. More than Rs. 2,00,000	10	25,00,000

Calculation of basic annual revenue.

4. (1) The basic annual revenue of a jagir shall be calculated as follows—

(*a*) the gross basic sum shall first be ascertained in accordance with sub-section (2);

(*b*) in the case of a Jamiat jagir the gross basic sum shall be reduced by 20 per cent. and the sum resulting from this reduction shall be the net basic sum;

(*c*) 60 per cent shall be deducted—

(*i*) in the case of a jagir other than a Jamiat Jagir from the gross basic sum, and

(*ii*) in the case of a Jamiat Jagir from the net basic sum, and the sum resulting from this deduction shall be the basic annual revenue.

(2) The gross basic sum shall be the average annual gross revenue of the Jagir for the ten years opening with the year 1347 F. and ending with the year 1356 F. :

Provided that where any items of gross revenue other than excise revenue are not ascertainable for all the said ten years, the gross basic sum shall be the average annual excise revenue for the said ten years plus the average of other items of gross

revenue for those of the years included in the said ten years for which they are ascertainable.

Determination of commutation sum.

5. (1) The commutation sum for every jagir shall be determined by the Jagir Administrator or by an officer authorised by him in this behalf.

(2) Any person aggrieved by the determination of a commutation sum under sub-section (1) may, within 30 days of the communication to him of the determination, appeal against the same to Government who shall, after giving the appellant a reasonable opportunity of being heard, either confirm the determination or revise it in such manner as they think fit.

(3) Save as provided in sub-section (2), the determination of commutation sum under this section shall be final and shall not be called in question in any civil or revenue Court.

Distribution of commutation sum.

6. The commutation sum for every jagir shall be distributable between the Jagirdar and Hissedars in the like proportions as the net income was distributable under section 11 of the said Regulation, and where under section 12 of the said Regulation the share of the net income payable to a Jagirdar or Hissedar was subject to deduction on account of any maintenance allowance, the share of the commutation sum payable to such Jagirdar or Hissedar shall be subject to a deduction bearing to that share the same proportion as the deduction made under section 12 of the said Regulation bore to the share of the net income payable to the person concerned.

Payment of commutation sum; cessation of interim allowances.

7. (1) The appropriate share of the commutation sum shall be payable to every person entitled to participate in the distribution there of in such form and manner and yet such time or times and in such number of instalments as may be prescribed :

Provided that if at the time prescribed for the payment of any such share or instalment the person entitled to receive payment of the sum is in dispute, the amount of the share or instalment shall be deposited with the prescribed authority in the prescribed manner and subject to the prescribed condtions.

(2) The payment to a Jagirdar or Hissedar of his appropriate share in the commutation sum of the Jagir shall constitute the final commutation as from the 1st April, 1950, of his rights in the jagir and if, any payment by way of an interim maintenance allowance under the said Regulation is made in respect of a period the whole or part of which is subsequent to the said date, the amount of such payment or, as the case may be, the appropriate proportion of such amount shall be recovered from the recipient thereof by deduction from the first payment made to him on account of his share in the commutation sum for the jagir.

Recovery of loans by Government.

8. Any amount recoverable on account of a loan granted by Government to a Jagirdar or Hissedar may be recovered by deduction from any amount payable to the Jagirdar or Hissedar under this Regulation on account of his share in the commutation sum for the jagir.

Restriction on alienation and attachment.

9. The share of a Jagirdar or Hissedar in the commutation sum for a jagir, and the maintenance allowance of a Guzarayab, shall be inalienable save with the previous sanction of Government, and not more than one half of such share or allowance shall be liable to attachment and sale in any one year of account in execution of a decree.

Special provision for jagirs granted to temples, etc.

10. (1) The provisions of this Regulation shall apply so far as may be to any jagir granted to a temple or mosque or to any institution established for a religious or public purpose.

(2) In the case of any such jagir Government shall make an annual grant commencing from the year opening with the 1st April, 1950, for the service of the temple, mosque or other institution, the amount of which grant shall be equivalent to one-half of the gross basic sum referred to in sub-clause (*i*) or, as the case may be, the net basic sum referred to in sub-clause (*ii*) of clause (*c*) of sub-section (1) of section 4.

Rules.

11. (1) Government may by notification in the Jarida make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the matters which under this Regulation are to be or may be prescribed.

SCHEDULE.

[SECTION 2 (*a*)].

List of Jamiat Jagirs.

1. Paigah Asmanjahi.
2. ,, Khurshid Jahi.
3. ,, Vicar-ul-Umra.
4. Jagir of late Nawab Salar Jung Bahadur.
5. Samasthan of Wanparthy.
6. ,, of Gadwal.
7. Jagir of Rajah Sham Raj Bahadur.
8. ,, of Nawab Ghazi Jung Bahadur.
9. ,, of late Nawab Kamal Yar Jung Bahadur.
10. ,, of late Nawab Shaukat Jung Bahadur.
11. ,, of late Nawab Mehdi Jung Bahadur.
12. ,, of Nawab Ali Yar Jung Bahadur.
13. ,, of Nawab Dost Mohd. Khan.
14. ,, of Khaja Behbud Ali Khan.
15. ,, of Shujaat Ali Khan.
16. ,, of Rahat Ali Khan.
17. ,, of Mir Imdad Ali Khan, s/o Azad Ali Khan.
18. ,, of Mirza Sardar Ali Khan, Qiledar of Malkhed.
19. ,, of Lt.-Col. Umar Daraz Khan, Qiledar of Golconda.
20. Estate of Nawab Asker Jung Bahadur.
21. ,, of Nawab Surya Jung Bahadur.
22. ,, of Raja Krishna Rao.
23. ,, of Bhatambra.

THE MUSIC IN THE NEIGHBOURHOOD OF MOSQUES (REPEAL OF RESTRICTIONS) REGULATION,1359 F.

No. XXVII OF 1359 F.

CONTENTS.

Sections

1. Short title and commencement.

2. Repeal.

*THE MUSIC IN THE NEIGHBOURHOOD OF MOSQUES

(REPEAL OF RESTRICTIONS)

REGULATION, 1359 F.

No. XXVII OF 1359 Fasli.

WHEREAS certain restrictions on the playing of music and the causing of noise in the neighbourhood of mosques are in force;

AND WHEREAS it is expedient that these restrictions should cease to operate;

NOW, THEREFORE, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation:—

1. (1) This Regulation may be called the Music in the Neighbourhood of Mosques (Repeal of Restrictions) Regulation, 1359 Fasli. Short title and commencement.

(2) It shall come into force from the date of its publication in the Jarida.

2. The Rules published in the Jarida dated the 11th Isfandar, 1344 F. with the Notification of the Ecclesiastical Department, dated the 23rd Bahman, 1344 F., are hereby repealed. Repeal

* Published in the Extraordinary Jarida No. 32, dated 25th January, 1950.

THE HYDERABAD AGRICULTURISTS' LOANS ACT, 1950.

No. II OF 1950.

CONTENTS.

Sections.

1. Short title, extent and commencement.

2. Taqavi Rules which were in force before the commencement of this Act and the loans advanced thereunder.

3. Power of Government to make rules.

4. Recovery of Loans.

5. Liability of joint borrowers as among themselves.

6. The Board of Revenue may be authorised to frame rules.

*THE HYDERABAD AGRICULTURISTS' LOANS ACT, 1950.

No. II of 1950.

WHEREAS it is expedient to provide for the grant of loans, to agriculturists for purposes connected with agricultural objects not specified in the Hyderabad Land Improvement Loans Act, 1950.

IT is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Agriculturists' Loans Act, 1950.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force from the date of its publication in the Jarida.

Taqavi rules which were in force before the commencement of this Act and the loans advanced thereunder.

2. (1) All taqavi loans granted before the commencement of this Act for any of the purposes mentioned in section 3 of this Act shall be deemed to have been granted under this Act and any sums due in respect of such taqavi loans shall be recoverable as if they were due under this Act.

(2) All taqavi rules applicable to loans granted for any of the purposes mentioned in section 3 of this Act, which were in force immediately before the commencement of this Act shall until superseded by rules made under this Act, be deemed to be rules so made:

Provided that any provisions of such rules which are inconsistent with the provisions of this Act shall have effect subject to such omissions or modifications as may be required for the removal of the inconsistency.

Power of Government to make rules.

3. The Government may, from time to time, by notification in the Jarida, make rules to regulate the grant of loans to owners and occupiers of arable land for the relief of distress, the purchase of seed or cattle or any other purpose not specified in the Hyderabad Land Improvement Loans Act, 1950, but connected with agricultural objects.

Recovery of loans.

4. Every loan granted in accordance with such rules, all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same, shall, when they become due, be recoverable from the persons to whom the loan was made, or from any person who has become surety for the payment

* Published in Jarida No. 25, dated 20th March 1950.

thereof, as if they were arrears of land revenue or costs incurred in recovering the same due by the person to whom the loan was made or by his surety.

Liability of joint borrowers as among themselves.

5. When a loan is made under this Act to the members of a village community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked, or sealed by each of them or his agent duly authorised in this behalf and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

The Board of Revenue may be authorised to frame rules.

6. The Government may authorise the Board of Revenue to exercise, subject to the control of Government, the power conferred on Government by section 3.

THE HYDERABAD LAND IMPROVEMENT LOANS ACT, 1950.

No. III of 1950.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement.
2. Taqavi Rules which where in force before the commencement of this Act and the loans advanced thereunder.
3. "Taluqdar" defined.
4. Purposes for which loans may be granted under this Act.
5. Mode of dealing with applications for Loans.
6. Period for repayment of loans.
7. Recovery of loans.
8. Order granting loan conclusive on certain points.
9. Liability of joint borrowers as among themselves.
10. Power to make rules.
11. Exemption of improvements from assessment to land revenue.
12. Certain powers may be delegated to the Board of Revenue.
13. Act No. IV of 1327 F. amended.
14. Act No. IV of 1331 F. amended.

*THE HYDERABAD LAND IMPROVEMENT LOANS ACT, 1950.

No. III of 1950.

WHEREAS it is expedient to regulate the grant of loans of money by the Government for agricultural improvements and to make certain further amendments in the Hyderabad Registration Act, 1327 F. and the Hyderabad Stamp Act, 1331 F.

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Land Improvement Loans Act, 1950.

(2) IT extends to the whole of the Hyderabad State.

(3) It shall come into force from the date of its publication in the Jarida.

Taqavi Rules which were in force before the commencement of this Act and the loans advanced thereunder.

2. (1) All taqavi loans granted before the commencement of this Act for any of the purposes mentioned in section 4 of this Act shall be deemed to have been granted under this Act and any sums due in respect of such taqavi loans shall be recoverable as if they were due under this Act.

(2) All taqavi rules applicable to loans granted for any of the purposes mentioned in section 4 of this Act which were in force immediately before the commencement thereof shall, until superseded by rules made under this Act, be deemed to be rules so made :

Provided that any provisions of such rules which are inconsistent with the provisions of this Act shall have effect subject to such ommissions or modifications as may be required for the removal of the inconsistency.

"Taluqdar" defined.

3. In this Act, "Taluqdar" means the officer incharge of the revenue administration of a district, or any officer empowered by Government by name or by virtue of his office to discharge the functions of a taluqdar under this Act.

Purposes for which loans may be granted under this Act.

4. (1) Subject to such rules as may be made under section 10, such officer as may, from time to time, be empowered in this behalf by Government may grant loans of money under this Act for the purposes of making any improvement, to any person having a right to make that improvement, or with the consent of that person, to any other person.

* Published in Jarida No. (25), dated 20th March, 1950.

(2) "Improvement" means any work which adds to the letting value of land, and includes the following works, namely :-

(*a*) the construction of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture ;

(*b*) the preparation of land for irrigation ;

(*c*) the drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste-land which is culturable ;

(*d*) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes ;

(*e*) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto ; and

(*f*) such other works as Government may from time to time, by notification in the Jarida, declare to be improvements for the purposes of this Act.

Mode of dealing with applications for loans.

5. (1) When an application for a loan is made under this Act, the officer to whom the application is made may, if it is in his opinion, expedient that public notice be given of the application, publish a notice, in such manner as the Government may, from time to time direct, calling upon all persons objecting to the loan to appear before him at a time and place fixed therein and submit their objections.

(2) The officer shall consider every objection submitted under sub-section (1), and make an order in writing either admitting or overruling it :

Provided that, when the question raised by an objection is, in the opinion of the officer, of such a nature that it can not be satisfactorily decided except by a Civil Court, he shall postpone his proceedings on the application until the question has been so decided.

Period for repayment of loans.

6. (1) Every loan granted under this Act shall be made repayable by instalments (in the form of annuity or otherwise) within such period from the date of the actual advance of the loan, or, when the loan is advanced in instalments, from the date of advance of the last instalment actually paid, as the officer granting the loan may determine with due regard to the rules for the time being in force under section 10.

(2) The period so determined shall not ordinarily exceed thirty-five years, and the rules made in this behalf shall be such as to ensure that the period shall not extend beyond thirty-five years unless the office granting the loans considers such extension to be desirable, having regard to the durability of the work for the purposes of which the loan is granted, and to the expediency of the cost of the work being paid for by the generation of persons who will immediately benefit from the work.

Recovery of loans.

7. (1) Subject to such rules as may be made under section 10 all loans granted under this Act, all interest (if any) chargeable thereon and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Taluqdar in all or any of the following modes namely :—

(*a*) from the borrower—as if they were arrears of land revenue due by him;

(*b*) from his surety (if any)— as if they were arrears of land revenue due by him;

(*c*) out of the land for the benefit of which the loan has been granted—as if they were arrears of land revenue due in respect of that land;

(*d*) out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land revenue by the sale of immovable property other than the land on which that revenue is due:

Provided that no recovery under clause (*c*) shall affect any interest in the land which existed before the date of the order granting the loan, other than the interest of the borrower, and of mortgagees of, or persons having charges on, that interest, and, where the loan is granted under section 4 with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on, that interest.

(2) When any sum due on account of any such loan, interest or costs is paid to the Taluqdar by a surety or an owner of property comprised in any collateral security, or is recovered under sub-section (1) by the Taluqdar from a surety or out of any such property, the Taluqdar shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the benefit of which the loan has been granted, in the manner provided by sub-section (1).

(3) It shall be in the discretion of a Taluqdar acting under this section to determine the order in which he will resort to the various modes of recovery permitted by sub-section (1).

Order granting loan conclusive on certain points.

8. A written order under the hand of an officer empowered to make loans under this Act granting a loan to, or with the consent of a person mentioned therein, for the purpose of carrying out a work described therein for the benefit of land specified therein, shall, for the purposes of this Act, be conclusive evidence :—

(*a*) that the work described is an improvement within the meaning of this Act;

(*b*) that the person mentioned had at the date of the order a right to make such an improvement; and

(*c*) that the improvement is one benefiting the land specified.

Liability of joint borrowers as among themselves.

9. When a loan is made under this Act to the members of a village-community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed by each of them and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

Power to make rules.

10. The Government may, from time to time, by notification in the Jarida, make rules consistent with this Act to provide for the following matters, namely :—

(*a*) the manner of making applications for loans;

(*b*) the officers by whom loans may be granted;

(*c*) the manner of conducting inquiries relative to applications for loans and the powers to be exercised by officers conducting those inquiries;

(*d*) the nature of the security to be taken for the due application and repayment of the loan, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans;

(*e*) the inspection of works for which loans have been granted;

(*f*) the instalments by which, and the mode in which, loans, the interest to be charged on them and the costs incurred in the making thereof, shall be paid;

(*g*) the manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same; and

(*h*) all other matters pertaining to the working of the Act.

Exemption of improvements from assessment to land revenue.

11. When land is improved with the aid of a loan granted under this Act, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land revenue on the land:

Provided as follows :—

(1) where the improvement consists of the reclamation of wasteland, or of the irrigation of land assessed at unirrigated rates, the increase may be so taken into account after the expiration of such period as may be fixed by rules made under section 10;

(2) nothing in this section shall entitle any person to call in question any assessment of land revenue otherwise than on grounds on which it might have been called in question if this Act, had not been made.

12. The Government may authorise the Board of Revenue to exercise, subject to the control of Government, the powers conferred on Government by sub-section (1) of section 4, sub-section (1) of section 5 and section 10. Certain powers may be delegated to the Board of Revenue.

13. In the Hyderabad Registration Act, 1327 F.— Act No. IV of 1327 F. amended.

(1) after clause (10) of sub-section (2) of section 10, the following clauses shall be inserted, namely :—

"(11) any order granting a loan under the Hyderabad Land Improvement Loans Act, 1950 A.D., or any instrument of collateral security executed thereunder ; or

(12) any order granting a loan under the Hyderabad Agriculturists' Loans Act, 1950 A. D., or any instrument for securing the repayment of such loan" ;

(2) after sub-section (2) of section 80, the following sub-sections shall be inserted, namely :—

"(3) Every officer granting a loan under the Hyderabad Land Improvement Loans Act, 1950 A. D., shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.

(4) Every officer granting a loan under the Hyderabad Agriculturists Loans' Act, 1950 A. D., shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan and if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1."

14. In the Schedule to the Hyderabad Stamp Act, 1331 F.:— Act No. IV of 1331 F. amended.

(1) in Article 28 for the heading "Exemption" and the entry thereunder, the following heading and entries shall be substituted, namely :—

"Exemptions.

(1) Instruments executed by persons taking advances under the Hyderabad Land Improvements Act, 1950 A.D., or the Hyderabad Agriculturists' Loans Act, 1950 A. D., or by their sureties as security for the repayment of such advances.

(2) Letter of hypothecation accompanying a bill of exchange" ;

(2) in Article 40, after item (*ii*) under the head "Exemptions", the following item shall be inserted, namely :—

"(*iii*) by persons taking advances under the Hyderabad Land Improvement Loans Act, 1950 A. D., or the Hyderabad Agriculturists' Loans Act, 1950 A. D., or by their sureties as security for the repayment of such advances."

THE NOTICE OF RELIGIOUS CEREMONIES (REPEAL OF REQUIREMENTS) ACT, 1950.

No. V of 1950.

CONTENTS.

Sections.

1. Short title, and commencement.

2. Repeal.

* THE NOTICE OF RELIGIOUS CEREMONIES (REPEAL OF REQUIREMENTS) ACT, 1950 F.

No. V OF 1950.

WHEREAS persons intending to conduct a religious procession or to perform a religious ceremony in public have heretofore been required to give notice of their intention so to do ;

And whereas it is expedient that this repuirement should cease to operate ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Notice of Religious Ceremonies (Repeal of Requirements) Act, 1950.

(2) It shall come into force on the date of its publication in the Jarida.

Repeal.

2. The rules published in the Jarida No. 5, Extraordinary dated the 1st Thir, 1338 Fasli, and Jarida No. 31, dated 12th Thir, 1340 Fasli, are hereby repealed.

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* Published in Jarida No. (25), dated 20th March, 1950.

THE HYDERABAD (SLAUGHTER OF ANIMALS) ACT, 1950.

No. VII of 1950

CONTENTS.

Sections.

1. Short title, extent and commencement.

2. Definitions.

3. Appointment of Veterinary Officers.

4. Restrictions on slaughter of animals for human consumption.

5. Grant of certificates.

6. Power to inspect premises.

7. Penalties.

8. Offence to be cognizable.

9. Veterinary Officer to be public servant.

10. Protection of persons acting in good faith under the Act or Rules.

11. Rules.

12. Delegation of powers.

13. Effect of Act on A'in V of 1352 F.

*THE HYDERABAD (SLAUGHTER OF ANIMALS) ACT, 1950.

No. VII of 1950.

WHEREAS it is expedient to regulate and restrict the slaughter of animals for human consumption;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad (Slaughter of Animals) Act, 1950.

(2) It extends to all Municipal and Town areas in the Hyderabad State and shall come into force in each such area from such date as Government may by notification in the Jarida appoint in respect of the area.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context:—

(1) "animal" includes such animals only as Government may by notification in the Jarida declare to be animals for the purposes of this Act;

(2) "Municipal area" means an area which is for the time being a Municipality for the purposes of the Hyderabad Municipal and Town Committees A'in (IV of 1352 F.);

(3) "prescribed" means prescribed by rules made under this Act;

(4) "Town area" means an area which is for the time being a Small Town for the purposes of the Hyderabad Municipal and Town Committees A'in (IV of 1352 F.) or which Government has by notification in the Jarida declared to be a town area for the purposes of this Act;

(5) "Veterinary Officer" means an officer or person appointed under section 3.

Appointment of Veterinary Officers.

3. Government may by notification in the Jairda appoint any officer or person to be the Veterinary Officer for an area in which this Act is for the time being in force.

Restriction on slaughter of animals for human consumption.

4. In an area in which this Act is for the time being in force, no person shall slaughter, or procure the slaughter of, any animal for human consumption otherwise than:—

(1) on the authority of a certificate granted by the Veterinary Officer for the area that the animal is fit for slaughter; and

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*Published in Jarida No. (25) dated 20th March, 1950.

(2) in a slaughter house licensed for the slaughter of animals for human consumption.

Grant of certificates.

5. (1) The Veterinary Officer shall not grant the certificate referred to in clause (1) of section 4 if in his opinion :—

(*a*) the animal, whether male or female—

(*i*) has not attained the age of three years, or

(*ii*) is useful for the purpose of draught or any kind of agricultural operations ;

(*b*) the animal, if male, is useful for the purpose of breeding ;

(*c*) the animal, if female, is useful for the purpose of giving milk or bearing offspring.

(2) Government may of its own motion, or on the application of any person aggrieved by the refusal of a Veterinary Officer to grant the certificate referred to in clause (1) of section 4, call for the papers relating to the refusal and pass such orders as it thinks fit.

(3) Save as provided in sub-section (2) the opinion of the Veterinary Officer on all the questions on which he is required by sub-section (1) to form an opinion shall be final and shall not be called in question in any court.

(4) The certificate referred to in clause (1) of section 4 shall be granted in such form and on payment of such fee as may be prescribed.

Power to inspect premises.

6. (1) For the purposes of this Act a Veterinary Officer or a person authorised by him in this behalf shall have power to enter and inspect any premises or other place whereat he has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person on the premises or the other place shall allow the Veterinary Officer or the person authorised access to, and to inspect the premises or the other place and answer truthfully any question asked of him.

Penalties.

7. Whoever does any act in contravention of section 4 or section 6 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Offence to be cognizable.

8. Notwithstanding anything contained in the Hyderabad Criminal Procedure Code every offence punishable under section 7 shall be cognizable.

Veterinary Officer to be public servant.

9. Every Veterinary Officer shall be deemed to be a public servant within the meaning of section 6 of the Hyderabad Penal Code, 1324 Fasli.

Protection of persons acting in good faith under the Act or rules.

10. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, or the rules made thereunder.

Rules.

11. (1) Subject to the condition of previous publication Government may by notification in the Jarida make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for :—

(*a*) the powers and duties to be exercised by Veterinary Officers in addition to the powers and duties conferred or imposed by this Act;

(*b*) the authority by whom and the conditions on which slaughterhouses shall be licensed for the purposes of clause (2) of section 4, the persons who shall be responsible for the observance of the conditions and the circumstances in which such licence may be cancelled;

(*c*) any matter which is to be or may be prescribed.

(3) Rules made under clause (*b*) of sub-section (2) may provide that a contravention of the conditions of a licence shall be punishable with fine which may extend to one thousand rupees.

Delegation of powers.

12. Government may by notification in the Jarida delegate :-

(*i*) to any local authority the powers and functions of Government under section 3 within the local area subject to the jurisdiction of the local authority;

(*ii*) to any officer of Government the powers and functions of Government under sub-section (2) of section 5.

Effect of Act on A'in V of 1352 F.

*[13. (1) In any area in which this Act is for the time being in force, a licence granted under sub-section (1) of section 66 of the Hyderabad Sanitary Powers A'in (V of 1352 F.) (hereinafter referred to as the said A'in) for the use of premises fixed under that sub-section for the slaughter of animals shall not apply to the use of such premises for the slaughter for human consumption of animals for the time being declared to be animals for the purposes of this Act.

(2) Subject to the provisions of sub-section (1) nothing in this Act or in the said A'in shall be deemed to preclude the licensing as a slaughter hours for the purposes of this Act of premises fixed for the slaughter of animals under sub-section (1) of section 66 of the said A'in or such fixing as aforesaid of premises so licensed.]

* As amended by Act No. XXX of 1950.

THE HYDERABAD WEEKLY HOLIDAY (SUBSTITUTION OF SUNDAY FOR FRIDAY) ACT, 1950.

No. VIII OF 1950

CONTENTS

Sections :

1. Short title and commencement.

2. Construction of references to Friday in provisions relating to a Weekly Holiday.

3. Construction of references to Thursday in provisions defining or referring to a week.

*THE HYDERABAD WEEKLY HOLIDAY (SUBSTITUTION OF SUNDAY FOR FRIDAY) ACT, 1950.

No. VIII OF 1950

WHEREAS Friday has hitherto been observed as a weekly holiday in the Hyderabad State and has been deemed to be the first day of the week;

AND WHEREAS it is expedient that the weekly holiday should hereafter be observed on Sunday and that Sunday should be deemed to be the first day of the week;

IT IS, HEREBY enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Weekly Holiday (Substitution of Sunday for Friday) Act, 1950.

(2) It shall be deemed to have come into force from the 26th January, 1950.

Construction of references to Friday in provision relating to a weekly holiday.

2. Every provision of law for the time being in force in the Hyderabad State which provides for or relates to the observance of Friday as a Weekly Holiday for any purpose whatsoever shall have effect as if all references therein to Friday were reference to Sunday.

Construction of references to Thursday in provisions defining or referring to a week.

3. Every provision of law for the time being in force in the Hyderabad State which defines or refers to a week as the period of seven days beginning with midnight on Thursday night shall have effect as if all references therein to Thursday were references to Saturday.

* Published in Jarida No. (25) dated 20th March, 1950.

THE HYDERABAD STATE APPROPRIATION ACT, 1950.

No. IX of 1950.

CONTENTS.

Sections.

1. Short title.

2. Issue of Rs. 54,86,18,446 out of the Consolidated Fund of the State of Hyderabad for the year 1950-51.

3. Appropriation.

Schedule.

*THE HYDERABAD STATE APPROPRIATION ACT, 1950.

No. IX of 1950.

Whereas in view of the provisions contained in Article 266 and inclause (3) of Article 212A of the Constitution of India it is expedient to authorise payment and appropriation of certain sums;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Hyderabad State Appropriation Act, 1950.

Issue of Rupees 54,86,13,446 out of the Consolidated Fund of the State of Hyderabad for the year 1950-51.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 3 of the schedule amounting in the aggregate to the sum of fifty-four crores, thirty-six lakhs, thirteen thousand, four hundred and forty-six rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 2 of the schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the schedule in relation to the year ending on the thirty-first day of March, 1951.

* Published in the Extraordinary Jarida No. (41 dated 31st March 1950

SCHEDULE.

Sl. No.	Services and purposes	SUM NOT EXCEEDING		
		Charged on the Consolidated Fund	Other expenditure to be met out of the Consolidated Fund	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1.	Land Revenue ..	..	1,54,81,000	1,54,81,000
2.	Forests ..	..	28,56,000	28,56,000
3.	Customs ..	..	51,28,000	51,28,000
4.	Excise ..	..	52,71,000	52,71,000
5.	Opium and Ganja ..	..	85,000	85,000
6.	Distilleries and Alcohal Factory ..	..	30,53,095	30,53,095
7.	Stamps ..	..	4,22,000	4,22,000
8.	Registration ..	..	4,72,000	4,72,000
9.	Mines ..	..	2,17,000	2,17,000
10.	Petrol Cess ..	..	2,00,000	2,00,000
11.	Motor Vehicles Tax	..	11,00,000	11,00,000
12.	Interest ..	1,47,23,000	..	1,47,23,000
13.	Debt Redemption	1,48,97,000	..	1,48,97,000
14.	Management of Public Debt	82,000	..	82,000
15.	Mint ..	..	2,09,333	2,09,333
16.	Paper Currency ..	..	12,84,669	12,84,669
17.	Exchange and Remittance ..	..	10,000	10,000
18.	Payment to H.E.H.	50,00,000	..	50,00,000
19.	Tour Expenses of H.E.H. and Military Secretary	19,000	..	19,000
20.	Expenses of Princes ..	..	20,000	20,000
21.	Expenses of Sahebzadas	..	67,000	67,000
22.	General Administration	..	1,24,85,000	1,24,85,000
23.	Political Charges	..	16,25,000	16,25,000
24.	Pensions and Compassionate Allowances ..	..	86,00,000	86,00,000
25.	Life Insurance and Family Pension Fund ..	..	2,49,070	2,49,070

SCHEDULE.—(*Contd.*)

1	2	3	4	5
		Rs.	Rs.	Rs.
26.	Mansabs, Imteyazis and Special Allowances ..	..	21,41,334	21,41,334
27.	Military ..	..	44,80,000	44,80,000
28.	Courts ..	3,81,000	51,14,492	54,45,492
29.	Jails ..	..	30,92,807	30,92,807
30.	Police ..	..	5,20,41,000	5,20,41,000
31.	Education ..	..	4,53,88,000	4,53,88,000
32.	Medical and Public Health	..	1,38,15,000	1,38,15,000
33.	Religious Affairs ..	..	7,40,000	7,40,000
34.	Agriculture	..	76,45,000	76,45,000
35.	Veterinary	..	18,12,000	18,12,000
36.	Co-operative ..	..	19,82,000	19,82,000
37.	Miscellaneous and Minor Departments ..	..	20,21,000	20,21,000
38.	Municipalities and Public Improvements ..	..	69,12,000	69,12,000
39.	Buildings and Communications	..	1,94,02,000	1,94,02,000
40.	Irrigation	..	82,78,000	82,78,000
41.	Railways and Road Transport	..	2,20,56,000	2,20,56,000
42.	Electricity	..	72,90,646	72,90,646
43.	Printing	..	38,03,000	38,03,000
44.	Industries	..	18,50,000	18,50,000
45.	Industrial Research Laboratory	..	3,76,000	3,76,000
46.	Transfers from Famine Reserve	..	70,97,000	70,97,000
47.	Transfers to Famine Insurance Fund ..	..	15,00,000	15,00,000
48.	Miscellaneous ..	..	1,79,00,000	1,79,00,000
49.	Transfers from Road Fund	..	5,00,000	5,00,000
50.	Charities and Donations	..	7,36,000	7,36,000
51.	Supply and Control ..	..	43,47,000	43,47,000
52.	Sales Tax	..	6,54,000	6,54,000
53.	Capital Outlay on Irrigation Works	..	2,54,43,000	2,54,43,000
54.	Do Roads ..	..	28,80,000	28,80,000
55.	Do Buildings ..	..	26,10,000	26,10,000
56.	Do Tools and Plants	..	54,15,000	54,15,000
57.	Do Nizamsagar Development Works	..	10,00,000	10,00,000

SCHEDULE.—(*Contd.*)

1	2	3	4	5
		Rs.	Rs.	Rs.
58.	Capital Outlay on Post War Development Schemes	..	1,55,87,000	1,55,87,000
59.	Do Electricity	..	22,93,000	22,93,000
60.	Do Hydro-Electric Schemes	..	66,87,000	66,87,000
61.	Do Road Transport Department	..	65,00,000	65,00,000
62.	Do Drainage Works	..	11,90,000	11,90,000
63.	Do Water Works	.	11,50,000	11,50,000
64.	Do City Improvement Board Works		10,00,000	10,00,000
65.	Do Improvement Works under local bodies ..	..	20,00,000	20,00,000
66.	Do Other miscellaneous items	..	62,45,000	62,45,000
67.	Interest-free and interest-bearing advances ..	..	12,65,02,000	12,65,02,000
68.	Repayment of Debt ..	2,50,000	..	2,50,000
	Grand Total ..	3,53,02,000	50,83,11,446	54,36,13,446

THE HYDERABAD INFECTIOUS DISEASES ACT, 1950.

No. XII of 1950.

CONTENTS.

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Obligations to convey information.
4. Power of entry to take preventive measures.
5. Removal of infected persons to hospital.
6. Prohibition of the exposure of other persons to infection.
7. Infected persons not to engage in certain trades and occupations.
8. Destruction of hut or infected materials to prevent spread of infection.
9. Closure of lodging houses.
10. Infected clothes not to be sent to laundry.
11. Infected person not to use public conveyance.
12. Letting or sub-letting a building occupied by an infected person.
13. Forbidding work in infected premises.
14. Prohibition of use of public library by infected persons.
15. Disposal of bodies of persons dying from infectious disease.
16. Power of Government to confer special powers on officers to control infectious diseases.
17. Power of Magistrate to prohibit an assembly of fifty or more persons.
18. Destruction of rats, mice, etc.
19. Prevention of infectious diseases transmissible from animals.
20. Appointment of Additional Health Staff.
21. Provision and maintenance of isolation hospitals and wards.
22. Provision of ambulances, etc.
23. Prohibition of the use of water from suspected source.
24. Occupation of house to prevent the spread of infection.
25. Penalties for offences.
26. Rules.
27. Inconsistent provisions of law to cease to have effect.

Schedule I.

Schedule II.

*THE HYDERABAD INFECTIOUS DISEASES ACT, 1950.

No. XII of 1950.

Whereas it is expedient to provide for the better prevention and control of infectious diseases;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*a*) This Act may be called the Hyderabad Infectious Diseases Act, 1950.

(*b*) It extends to the whole of the Hyderabad State.

(*c*) It shall come into force from the date of its publication in the Jarida.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(1) " Building " includes a house, outhouse, stable, latrin, godown, shed, urinal, hut and any other such structure, whether of masonry, wood, bricks, mud, metal or any other material whatsoever;

(2) " Dwelling House " means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connection therewith;

(3) " Executive Authority " means the President or such other functionary of a local authority as is vested with general executive powers;

(4) " Factory " means any premises including the precincts thereof, wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(5) " Food " includes every article consumed or used by man, for food, drink, or chewing, and all materials used or admixed in the comopsition or preparation of such article and shall also include flavouring and colouring matter and condiments;

(6) " Health Officer " means the Health Officer employed by the local authority concerned or if there is no such officer, the Health Officer of the district;

(7) " Hut" means any building which is constructed principally of wood, mud, leaves, grass thatch, thatees or metallic sheets, and includes any temporary structure of whatever size

* Published in Jarida No. (29) dated 17th April, 1950.

or any small building of whatever material made which the local authority may declare to be a hut for the purposes of this Act;

(8) "Infectious Disease" means (*a*) acute influenzal pneumonia, (*b*) anthrax, (*c*) cerebro-spinal fever, (*d*) chicken-pox, (*e*) cholera, (*f*) diphtheria, (*g*) enteric fever, (*h*) leprosy, (*i*) measles, (*j*) plague, (*k*) rabies, (*l*) relapsing fever, (*m*) scarlet fever, (*n*) small-pox, (*o*) tuberculosis, (*p*) typhus, (*q*) yaws, (*r*) any other disease which the Government may, from time to time, by notification in the Jarida, declare to be an infectious disease either generally throughout the State or in such part or parts thereof as may be specified in the notifications;

(9) "Local Area" means the area within the jurisdiction of a local authority;

(10) "Local Authority" means —

(*i*) in a municipality, the Municipal Committee;

(*ii*) in a town not being a municipality, the Town Committee;

(*iii*) in a cantonment, the Cantonment Board;

(*iv*) in an area under the control of a District Board, that Board;

(11) "Lodging House" means a hotel, boarding house choultry, dharmasala or rest-house not maintained by the Government or a local authority, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include—

(*a*) a students' hostel under public or recognized control, or

(*b*) a house used for the accommodation of visitors to a fair or festival, or

(*c*) retiring rooms provided in railway premises for the use of passengers or railway servants;

(12) "Medical Practitioner" means any person practising medicine including a practitioner of an indigenous system of medicine;

(13) "Occupier" means any person in actual possession of any land or building or part thereof, and includes an owner in actual possession, and a tenant or licensee, whether such tenant or licensee is liable to pay rent or not;

(14) "Owner" includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connection with which the word is used;

(15) "Work place" means any premises including the precincts thereof, (not being a factory or a workshop) wherein

is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration;

(16) "Workshop" means any premises including the precincts thereof (not being a factory), wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

Obligations to convey information.

3. (*a*) Every medical practitioner who in the course of his practice becomes cognizant of the existence of any infectious diseases in any private or public dwelling other than a public hospital, or of any mortality among rats, cats, squirrels, monkeys or other animals in circumstances suggesting that the mortality is attributable to an infectious disease transmissible to man, and

(*b*) every person in charge (in the capacity of manager of a factory, head of an institution, head of a family owner or occupier, or in any other capacity whatsoever) of any premises who knows or has reason to believe that in such premises any person is suffering from, or has died as the result of, an infectious disease or that there has been in such premises any mortality among rats, cats, squirrels, monkeys or other animals in circumstances suggesting that the mortality is attributable to an infectious disease transmissible to man,

shall, if the case has not already been reported, convey information of the same with the least possible delay—

(1) (*a*) in a Municipal area, to the Executive Authority, or Health Officer, or to a Health or Sanitary Inspector;

(*b*) in any other area, to the Health Officer or to a Health or Sanitary Inspector, or to the village Headman; and

(2) to such authority, if any, as Government may by notification in the Jarida specify in this behalf.

Power of entry to take preventive measures.

4. (1) The Health Officer or any person authorised by him in this behalf may—

(*a*) at all reasonable hours, inspect with or without assistants any place in which any infectious disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses, and

(*b*) take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer, may, in municipal areas, be exercised also by the Executive Authority or any person authorised by such authority.

(3) Whoever obstructs the exercise of the powers conferred by sub-section (1) or sub-section (2), shall be punishable with imprisonment which may extend to three months or with fine not exceeding one hundred rupees or with both.

Removal of infected persons to hospital.

5. (1) If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person—

(*a*) (*i*) is without proper lodging or accommodation, or

(*ii*) is lodged in a place occupied by more than one family, or

(*iii*) is without medical supervision directed to the prevention of the spread of the disease, or

(*iv*) is in a place where his presence is a danger to the people in the neighbourhood; and

(*b*) should be removed to a hospital or other place at which patients suffering from such diseases are received for treatment the Health Officer may remove such person or cause him to be removed to such hospital or place.

(2) If any woman who, according to custom, does not appear in public, is removed to any such hospital or place :—

(*i*) the removal shall be effected in such a way as to preserve her privacy; and

(*ii*) special accommodation shall be provided for her in such hospital or place.

(3) No person shall leave, or be taken away from, any hospital or other place referred to in sub-section (1) without the permission of the medical Officer -in-charge or of the Health Officer.

(4) Whoever—

(*a*) obstructs the removal of any person to any hospital or other place under sub-section (1), or

(*b*) leaves or takes away any person from, any such hospital or place in contravention of sub-section (3), shall be punished with imprisonment which may extend to three months, or with fine not exceeding hundred rupees, or with both.

Prohibition of the exposure of other persons to infection.

6. No person who knows that he is suffering from an infectious disease shall expose other persons to the risk of infection by his presence or conduct in—

(*a*) any street or public place,

(*b*) any market, theatre or other place of entertainment or assembly, or

(*c*) any school, college, playground or other similar place, or

(*d*) any hotel, hostel, boarding house, choultry, rest-house or club, or

(*e*) any factory or shop.

Explanation.—A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government not below the rank of a Health Inspector, or by a medical practitioner that he is so suffering.

Infected persons not to engage in certain trades and occupations.

7. No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease;

(*a*) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption;

(*b*) engage in any other occupation without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

Destruction of hut or infected materials to prevent spread of infection.

8. (1) If it appears to the Health Officer that the destruction of any hut or shed or of any bedding or other article likely to retain infection is necessary to prevent the spread of any infectious disease, he may, after giving to the owner such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof or as the case may be such bedding or other article destroyed.

(2) Such compensation as the local autohrity may consider reasonable, shall be paid to any person who in its opinion sustains loss by the destruction of any hut, shed, bedding, or other article under the powers conferred by sub-section (1) but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Closure of lodging houses.

9. If, on the application of the Health Officer, the executive authority is satisfied that it is necessary in the interests of public health that a lodging house or any place where articles of food are sold, prepared, stored, exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house, or place of a case of infectious disease, the executive authority may by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection.

Infected clothes not to be sent to laundry.

10. No person shall—

(1) send or take to any laundry or public wash-house or any public water-course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleaned, any clothing, bedding or other article which he knows to have been exposed to infection from an infectious disease, unless such article has been disinfected by, or to the satisfaction of the Health Officer or unless under instructions from him, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection;

(2) place or cause or permit to be placed in any dustbin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from any infectious disease and which has not been disinfected.

Infected person not to use public conveyance.

11. (1) No person who knows that he is suffering from an infectious disease shall—

(*a*) enter any public conveyance used for the conveyance of passengers at separate fares, or

(*b*) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that person he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from an infectious disease shall permit that to be carried—

(*a*) in any public conveyance used for the conveyance of passengers at separate fares,

(*b*) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from an infectious disease, at any time when a passenger not suffering from such disease is being conveyed therein :

Provided that a person suffering from an infectious disease may be conveyed in the public conveyance aforesaid, in such cases of emergency and subject to such restrictions and safeguards as may be notified by Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from an infectious disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding sub-section.

(5) If a person suffering from an infectious disease is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable give notice to the Health Officer of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The Health Officer when so requested by the person in charge of a public conveyance in which a person suffering from an infectious disease has been conveyed shall provide for its disinfection.

Letting or sub-letting a building occupied by an infected person.

12. No person, shall without a special permit from the Health Officer, let or sub-let or permit or suffer any prospective tenant to enter, a building in which he knows or has reason to believe that a person has been suffering from an infectious disease within the three months immediately preceding.

Forbidding work in infected premises.

13. (1) If there occurs on any premises—

(*a*) a case of infectious disease, or

(*b*) any mortality among rats, cats, squirrels, monkeys or other animals in such circumstances as are referred to in section 3,

the Health Officer may, whether in the case referred to in clause (*a*) the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to which this section applies to be given out to any person living or working on these premises or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier.

(2) An order under this section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may, from time to time be notified by the Director of Public Health.

Prohibition of use of public library infected persons.

14. No person who knows that he is suffering from any infectious disease shall take any book, or cause any book to be taken for his use, or use any book taken from any public or circulating library.

Disposal of bodies of persons dying from infectious disease.

15. (1) No person having the charge or control of the body of any person who has died while suffering from an infectious disease shall permit or suffer persons to come unnecessarily into contact with, or proximity to the body.

(2) No person shall, without the sanction in writing of the Health Officer or of a person authorised by him in this behalf, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has while suffering from an infectious disease.

(3) (*a*) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or

if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building,

any Magistrate may, on the application of any Helath Officer or of a person authorized by him in this behalf order the body to be removed and disposed of within a specified time.

(*b*) A Magistrate may, in the case of the body of a person who has died while suffering from an infectious disease or in any other case in which he considers the immediate disposal of the dead body necessary, direct the body to be so disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(*c*) The expenses of the removal and disposal of any body under clause (*a*) or clause (*b*) shall be borne by the local authority, but such expense may be recovered, as if it were a tax due to it, by the local authority from any person who would have been legally liable therefor but for such removal and disposal unless in the opinion of the local authority he is too poor to admit of the recovery of such expense.

(4) (*a*) If any person dies in a hospital or a place of temporary accommodation for the sick while suffering from an infectious disease and the Health Officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(*b*) When the body is removed for the purpose aforesaid it shall forthwith be taken direct to a burial or burning-ground or a crematorium, and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer no person shall cause or permit to be carried in a public conveyance the dead body of any person who had died while suffering from an infectious disease.

Power of Government to confer special powers on officers to control infectious diseases.

16. (1) In the event of the prevalence or threatened outbreak of an infectious disease in any local area, the Government may, by notifiction—

(*a*) declare that such local area is visited or threatened with an outbreak an infectious disease, and

(*b*) confer on the Health Officer or any other officer of the local authority concerned, or on any officer of the Government all or any of the powers specified in sub-section (2).

(2) The powers which may be conferred under sub-section (1) are—

(*a*) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;

(*b*) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3);

(*c*) power to direct—

(*i*) that persons arriving from place outside the local area, or residing in any building adjacent to, or in the

neighbourhood of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers ;

(*ii*) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection ; and

(*iii*) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days ;

(*d*) power to take such measures as may be necessary—

(*i*) in respect of, or in relation to, persons exposed to infection from any infectious disease, or likely to infect other persons with any such disease, and

(*ii*) in respect of, or in relation to, articles exposed to infection from any infectious disease, or likely to infect persons with any such disease,

including in case (*i*) the placing of restrictions on the movements of such persons, and in case (*ii*) the destruction of such articles and the placing of restriction on their export from, import into, or transport within, the local area;

(*e*) power to direct that at any place within or outside the local area, any consignment of grain exported from or imported into, such area by rail, road or otherwise, shall be examined, and if necessary, unloaded and disinfected in any specified manner ; and

(*f*) power to close all or any existing markets and to appoint special places where markets may be held.

(3) (*a*) If any person, or a child in the care of any person is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (*b*) of sub-section (2) and such person declares before a Magistrate specially empowerd by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restriction, if any, as may be directed by the Magistrate :

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (*b*) and no exemption shall be granted to any person or to a child in the case of any person who has been so convicted.

(*b*) Any person who commits a breach of any undertaking given by him under clause (*a*) shall be punished with imprisonment which may extend to three months, or with fine, or with both.

(4) Any officer on whom powers are conferred by a notification under sub-section (1) shall, subject to such limitations, restrictions and conditions, if any, as the Government may in the same or in any subsequent notification impose, exercise every power so conferred on him until it is withdrawn by notification.

(5) The local authority may in its discretion, give compensation to any person who in its opinion has sustained substantial loss by the destruction of any property under the powers conferred by this section; but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Power of Magistrate to prohibit an assembly of fifty or more persons.

17. In the event of the prevalence of an infectious disease in any local area, any Magistrate, having local jurisdiction shall on the application of the Health Officer, have power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty in any place whether public or private, or in any circumstances, or for any purpose, if in his opinion such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

Destruction of rates, mice etc.

18. (1) The occupier of every premises, or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice and other animals susceptible to plague infesting such premises.

(2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him by sub-section (1) he may either—

(*a*) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice, or

(*b*) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice and other animals susceptible to plague infecting the same, after giving not less than twenty-four hours previous notice to such occupier or owner.

(3) Any expenses incurred under clause (b) of sub-section (2) may be recovered by the local authority concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the local authority.

Prevention of infectious diseases transmissible from animals.

19. If, in any local area, any infectious disease transmissible to man breaks out or is, in the opinion of the Health Officer, likely to break out, amongst cattle or other animals, it shall be the duty of the Health Officer to recommend to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof and the local authority shall consider such recommendations and take such action thereon as to it may seem suitable.

Appointment of additional Health Staff.

20. (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Director of Public Health be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality and preventing it, as the case may be.

(2) In the event aforesaid, if the Director of Public Health considers that immediate action is necessary in the interest of public health, he may with the previous sanction of Government, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines, appliances, equipment and other things as may be necessary and the expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported forthwith to the executive authority and by such authority to the local authority concerned at its next meeting.

Provision and maintenance of isolation hospitals and wards.

21. (1) (*a*) The local authority may, and if so required by Government, shall, provide or cause to be provided, hospitals, wards or other places for the reception and treatment of persons suffering from infectious disease.

(*b*) For the purpose of the reception and treatment of such persons a local authority may—

(*i*) itself build such hospitals, wards or places of reception, or

(*ii*) contract for the use of any such hospital or part of a hospital or place of reception,

(*iii*) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein, of persons suffering from infectious diseases.

(*c*) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or places of reception in question are maintained in accordance with such general or special orders as may from time time be issued by the Director of Public Health.

Provision of ambulances, etc.

22. A local authority may, and if so required by the Director of Public Health, shall—

(*a*) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for the free carriage of persons suffering from any infectious disease; and

(*b*) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection and when any conveyance, clothing, bedding or articles are brought to any such place for disinfection, may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

Prohibition of the use of water from suspected source.

23. (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is likely to endanger or cause the spread of any infectious disease he may by public notice, prohibit the removal or use of the said water generally or for any specified domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued in contravention of the terms thereof.

Occupation of house to prevent the spread of infection.

24. (1) The Health Officer may, in case of emergency, with the sanction of the First Taluqdar, enter upon, occupy and use, or depute any person to enter upon, occupy and use any building or place which in the opinion of the Health Officer, is required, and is suitable for any purpose connected with the prevention or control of infection from an infectious disease:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupant, or be conspicuously affixed on such building or place, not less than thirty-six hours before it is entered upon.

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during which it has been occupied or used, for any of the purposes referred to in sub-section (1), such compensation and rent shall be fixed by the First Taluqdar.

(3) The Health Officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

Penalties for offences.

25. (1) Whoever—

(*a*) contravenes any of the provisions of this Act specified in the first and second columns of schedule I, or

(*b*) contravenes any rule or order made under any of the provisions so specified, or

(*c*) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions,

shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said schedule.

(2) Whoever after having been convicted of--

(*a*) contravening any of the provisions of this Act specified in the first and second columns of schedule II, or

(*b*) contravening any rule or order made under any of the provisions so specified, or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him, under or in pursuance of any of the said provisions,

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said schedule.

Explanation.—The entries in the third column of schedules I and II headed 'Subject' are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

Rules.

26. Government may by notification in the Jarida make rules consistent with this Act for the carrying out of the purposes thereof.

Inconsistent provisions of law to cease to have effect.

27. Any provision of law in force immediately before the commencement of this Act which is inconsistent with this Act shall, to the extent of the inconsistency, cease to have effect save as respects things done of omitted to be done before the commencement of this Act.

SCHEDULE I.

ORDINARY PENALTIES.

[*See section* 25 (1)].

Section	Sub-section or clause	Subject	Fine which may be imposed
3	..	Failure to give information of infectious disease or mortality among rats, etc.	Fifty rupees.
6	..	Exposing other persons to infection.	Twenty-five rupees.
7	(*a*)	Infected persons carrying on trade in articles of food.	Fifty rupees.
	(*b*)	Infected persons engaging in other occupations without permits.	Fifty rupees.
9	..	Failure to close lodging houses, etc.	One hundred rupees.
10	..	Sending infected clothes to a laundry or depositing infected articles in a receptacle for refuse matter.	Fifty rupees.
11	(1), (2), (3) & (5)	Using or permitting use of public conveyance by an infected person.	Fifty rupees.
12	..	Letting or sub-letting of infected building without a permit.	Fifty rupees.
13	(1)	Failure to comply with notice forbidding work in infected premises.	Fifty rupees.
14	..	Use of book form public libraries by infected persons, etc.	Fifty rupees.
15	(1),(2),(4) & (5)	Delay in disposing of dead body of an infected person or allowing others unnecessarily to come into contact with it, etc., etc.	Fifty rupees.
17	..	Failure to comply with order prohibiting assemblages of 50 or more persons.	One hundred rupees.
18	(1)	Failure to take steps for the destruction of rats, mice, etc.	Twenty rupees.
	(2)	Failure to comply with notice for destruction of rats, mice, etc.	Fifty rupees.
24	..	Failure to comply with notice prohibiting the use of unwholesome water.	One hundred rupees.

SCHEDULE II.

PENALTIES FOR CONTINUING BREACHES.

[*See section* 25 (2)]

Section	Sub-section or clause	Subject	Five which may be imposed
6	..	Exposing other persons Infection.	Ten rupees.
7	(*a*) ..	Infected persons engaging in other occupations without permit.	do
	(*b*)	Infected persons carrying on trade in articles of food	do
9	..	Failure to close lodging houses, etc.	Twenty rupees.
13	(1)	Failure to comply with notice forbidding work in infected premises.	Ten rupees.
19	(1)	Failure to take steps for the destruction of rats, mice, etc.	Five rupees.
	(2)	Failure to comply with notice for the destruction of rats, mice, etc.	do
24	..	Failure to comply with notice prohibiting the use of unwholesome water.	Twenty rupees.

THE HYDERABAD AGRICULTURAL INCOME-TAX ACT, 1950.

No. XIII OF 1950.

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*THE HYDERABAD AGRICULTURAL INCOME-TAX ACT, 1950.

No. XIII of 1950,

The following Act, received the assent of H. E. H. the Nizam on 11th April, 1950 and is hereby published for general information:—

WHEREAS the Constitution of India precludes the continued levy by the Hyderabad State of the tax imposed by the Income-tax Act, 1357 F. on income including agricultural income as defined in that Act;

And whereas it is expedient to provide for the levy by the Hyderabad State of a tax on agricultural income as defined in the said Constitution;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) The Act may be called the Hyderabad Agricultural Income-tax Act, 1950.

(2) It extends to the whole of the Hyderabad State.

(3) It shall be deemed to have come into force on the 1st day of April, 1950.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) " agricultural income " means—

(1) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land revenue in the Hyderabad State or subject to a local rate assessed and collected by officers of the State as such;

(2) any income derived from such land by—

(*i*) agriculture, or

(*ii*) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(*iii*) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him in respect of which no process has been performed other than a process of the nature described in sub-clause (*ii*);

*Published in the Extraordinary Jarida No. (45) dated 12 th April, 1950.

(3) any income derived from any building owned and occupied by the receiver of the rent or revenue of any such land, or occupied by the cultivator, or the receiver of rent-in-kind, of any land with respect to which, or the produce of which, any operation mentioned in sub-clauses (*ii*) and (*iii*) of clause (2) is carried on :

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue or the cultivator or the receiver of the rent-in-kind by reason of his connection with the land, requires as a dwelling house, or as a store house, or other out-building ;

(*b*) " Agricultural Income-tax " means the tax payable under this Act ;

(*c*) " Agricultural Income-tax Officer " means a person appointed to be an Agricultural Income-tax Officer under sub-section (2) of section 18 ;

(*d*) " Agricultural year " means, the year commencing on the first day of June ;

(*e*) " Assessee " means a person by whom agricultural income-tax is payable ;

(*f*) " Commissioner " means a person appointed to be a Commissioner of Agricultural Income-tax under sub-section (2) of section 18 ;

(*g*) " Company " means a company incorporated or registered under any law for the time being in force in the Hyderabad State or elsewhere and includes any foreign association whether incorporated or not which the Government may, by general or special order, declare to be a company for the purposes of this Act ;

(*h*) " Deputy Commissioner " means a person appointed to be a Deputy Commissioner of Agricultural Income-tax under sub-section (2) of section 18 ;

(*i*) " Firm " has the same meaning as in the Hyderabad Partnership Act, 1351 F. ;

(*j*) " Landlord " means a landlord who leases his lands to a tenant;

(*k*) " Person " means any individual or association of individuals, owning or holding property for himself or for any other, or partly for his own benefit and partly for another, either as owner, trustee, receiver, common manager, administrator or executor or in any capacity recognised by law, and includes an undivided Hindu family, firm or company;

(*l*) " Prescribed " means prescribed by rules made under this Act ;

(*m*) " Previous year " means—

(*i*) in relation to the assessment for the financial year opening on the 1st day of April 1950, the period from the day

following that last day of the assessee's previous year as determined under the Income-tax Act, 1357 F. in relation to the Fasli year 1359F. to the 31st day of May 1950, both days inclusive ;

(*ii*) in relation to the assessment for every subsequent financial year, the agricultural year, the last day of which falls within the financial year for which the assessment is to be made, or, if the accounts of the assessee have been made up to a date within the said financial year in respect of a poerid of twelve months ending on any date other than the last day of agricultural year, then, at the option of the assessee, the twelve months ending on the day on which his accounts have been so made up :

Provided that where an assessee has once decided in any year that in his case the term 'previous year' shall be taken as a particular agricultural year or a period of twelve months, ending on a particular date, he shall not in future be entitled to vary in his case the meaning of the term 'previous year' except with the consent of the Agricultural Income-tax Officer and upon such conditions as the Agricultural Income-tax Officer may think fit ;

(*n*) "Principal officer" used with reference to a company or any other association means--

(*i*) the secretary, treasurer, manager or agent of the company or association ; or

(*ii*) any person connected with the company or association upon whom the Agricultural In-come-tax Officer has served a notice of his intention of treating him as principal office thereof ;

(*o*) "Received" used with reference to the receipt of agricultural income by a person shall include--

(*i*) receipt by an agent or servant on behalf of a principal or master respectively ;

(*ii*) receipt by other persons which are deemed to be his receipts under the provisions of this Act, and shall also include receipts of agricultural income by way of adjustment of accounts with any other person ;

(*p*) "Schedule" means a schedule appended to this Act ; and

(*q*) "Total agricultural income" means the aggregate of the amounts of agricultural income of the different classes specified in sections 6 and 7 as determined respectively in the manner laid down in the said section :

Provided that where in any year under either head of agricultural income specified in sections 6 and 7 it is computed that the sum on which the agricultural income-tax is payable by the assessee is a negative quantity, the assessee shall be deemed to have sustained a loss under that head to that extent and such loss shall be setoff against the sum computed under the other head of agricultural income as that on which agricultural income-tax is payable in the same year.

CHAPTER II.

Charge of Agricultural Income-tax.

Charge of agricultural income-tax.

3. For the financial year commencing on the 1st day of April, 1950 and for every subsequent financial year, agricultural income-tax shall be charged in accordance with, and subject to to the provisions of, this Act on the total agricultural income of the previous year of every person.

Application of the Act.

4. Save as hereinafter provided, this Act shall apply to all agricultural income derived from land situated in the Hyderabad State.

Limits of taxable income.

*[5. Agricultural income-tax shall be payable for the financial year commencing on the 1st day of April, 1956, by every person whose total agricultural income of the previous year exceeds I.G. Rs. 3,000 at the rate specified in the Schedule :

Provided that from the amount so payable there shall be deducted an amount bearing to the amount so payable the same proportion which the period by which the previous year determined in accordance with sub-clause (*i*) of clause (*m*) of section 2 falls short of twelve months bears to twelve months :

Provided further that nothing contained in the foregiong provisions shall affect the limits of exemption of Rs. 10,000 and Rs. 5,000 for the purposes of assessment pertaining respectively to the financial years ending up to 31st March, 1955 and the financial year ending up to 31st March, 1956.]

Determination of Agricultural Income mentioned in clause (*a*) (1) of section 2.

6. The agricultural income mentioned in sub-clause (1) of clause (*a*) of section 2 shall be deemed to be the sum realised in the previous year on account of agricultural income mentioned in the said sub-clause (1) after making the following deductions :-

(*a*) The sum actually paid in the previous year as revenue to the State or as rent to a landlord in respect of the land from which such agricultural income is derived ;

(*b*) the sum actually paid in the previous year in respect of such land as any local cess or rate collected under any law of the Hyderabad State ;

(*c*) a sum equal to 12½ per cent of the total amount of the rent which accrued due in the previous year, in respect of the charges for collecting the same ;

(*d*) any expense incurred on the maintenance of any irrigation or protective work constructed exclusively for the benefit of the land from which such agricultural income is derived;

Explanation.—Maintenance includes current repairs and includes also in the case of protective dykes and embankments all such work as may be necessary from year to year for repairing any damage or destruction caused by flood or other natural causes;

* Substituted by Act. VI of 1956, published in Gazette Extraordinary No. 65, dated the 2nd April, 1956.

(*e*) any expense incurred exclusively on the maintenance of any capital asset purchased or constructed before the 1st day of April 1950, if such maintenance is required in connection with the collection of rent due in respect of the land from which such agricultural income is derived ;

(*f*) interest paid on any amount borrowed and actually spent or any capital expenditure incurred after the said day exclusively for the benefit of the land from which such agricultural income is derived :

Provided that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such amount as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F. ;

(*g*) depreciation at the prescribed rate in respect of any capital asset purchased or constructed after the commencement of this Act exclusively for the benefit of the land from which such agricultural income is derived, or for the purpose of deriving such agricultural income from such land ;

(*h*) any interest paid on any mortgage or any other kind of debt or any interest paid on any other capital charge incurred exclusively for the purpose of acquiring the property from which such agricultural income is derived :

Provided that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such mortgage, debt or charge as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F.;

(*i*) when the property from which such agricultural income is derived is subject to a mortgage created before the 1st day of April 1950, the amount of any interest actually paid on such mortgage :

Provided that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such mortgage as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F. ;

(*j*) any Malikana paid by the assessee in respect of the land from which such agricultural income is derived.

Determination of agricultural income mentioned in clause(*a*) (2) and (3) of sec.2.

7. (1) The agricultural income mentioned in sub-clauses (2) and (3) of clause (*a*) of section 2 shall be assessed on the net amount of such income determined in the prescribed manner.

(2) Rules prescribing the manner of determining the net amounts of agricultural income for the purpose of sub-section (1) shall provide that the following deductions shall be made from the gross amounts of such income, namely :—

(*a*) the sum actually paid in the previous year as revenue to the State or as rent to a landlord in respect of the land from which such agricultural income is derived;

(*b*) the sum actually paid in the previous year in respect of such land as any local cess or rate collected under any law of the Hyderabad State;

(*c*) any rate paid to a local fund or as a special rate in respect of any building used exclusively for the purpose of the cultivation of the land from which such agricultural income is derived;

(*d*) any sum paid in respect of the land from which such agricultural income is derived as water cess or tax in accordance with any law or rules for the time being in force;

(*e*) the expenses of cultivating the crop from which such agricultural income is derived, of transporting such crop to market, including the maintenance of agricultural implements and cattle required for the purpose of such cultivation and for transporting the crop to market;

(*f*) any tax, cess or rate paid under any law of the Hyderabad State on the cultivation or sale of the crop from which such agricultural income is derived;

(*g*) (*i*) any expense incurred on the maintenance of any irrigation or protective work constructed exclusively for the benefit of the land from which such agricultural income is derived;

(*ii*) any expense incurred exclusively on the maintenance of any capital asset purchased or constructed before the 1st day of April 1950, if such maintenance is required for the purpose of deriving such agricultural income from such land;

Explanation.--Maintenance includes current repairs and includes also in the case of protective dykes and embankments all such work as may be necessary from year to year for repairing any damage or destruction caused by flood or other natural causes;

(*iii*) interest paid on any amount borrowed and actually spent on any capital expenditure incurred after the commencement of this Act exclusively for the benefit of the land from which such agricultural income is derived or for the purpose of deriving such agricultural income from such land:

Provided that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such amount as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F.;

(*iv*) depreciation at the prescribed rate in respect of any capital asset purchased or constructed after the commencement of this Act exclusively for the benefit of the land from which such agricultural income is derived or for the purpose of deriving such agricultural income from such land; and

(*v*) any interest paid on any mortgage or other capital charge incurred exclusively for the purpose of acquiring the property from which such agricultural income is derived or for the purpose of cultivation of the property :

Provided that no deduction shall be made under this clause, if it has already been made under section 6 :

Provided further that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such mortgage or charge as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F. ; and

(*h*) such other deductions as may be prescribed.

Exemptions of charitable or religious trusts.

8. (1) Where the assessee is a trustee and the trust under which he holds is a trust, created before the 1st day of April, 1950 for public purposes of a charitable or religious nature any income applied to any public purpose of a charitable or religious nature, in accordance with the terms of the trust subject to which he holds the property from which such agricultural income is derived, shall not be included in the total agricultural income of such assessee.

(2) In this section, purposes of a charitable nature include relief of the poor, education and medical relief.

Inclusion to prevent evasion of tax.

9. In computing the total agricultural income of an individual for the purpose of assessment, there shall be included—

(*a*) so much of the total agricultural income of a wife or minor child of such individual as arises directly or indirectly—

(*i*) from assets transferred directly or indirectly to the wife by the husband otherwise than for adequate consideration or in connection with an agreement to live apart ;

(*ii*) from assets transferred directly or indirectly to the minor child, not being a married daughter, by such individual otherwise than for adequate consideration ;

(*b*) so much of the total agricultural income of any person or association of persons as arises from assets transferred otherwise than for adequate consideration to the person or association by such individual for the benefit of his wife or minor child or both.

Exemption of waqf-alal-aulad.

10. All agricultural income arising from a trust (created before the 1st day of April, 1950) of the description known in Muslim Law as Waqf-alal-aulad shall be excluded from the operation of this Act :

Provided that the share of a beneficiary under such trust shall not be exempted and the tax may be realised from the mutawalli and the basis of taxation shall be the share of each beneficiary.

Explanation.—For the purpose of the section, a beneficiary means the settler, his family, children or descendants.

Assessment of Hindu undivided family.

11. The total agricultural income of a Hindu undivided family shall be treated as the income of the individual and assessed as such :

Provided that if a Hindu undivided family consists--

(*i*) of brothers only, or

(*ii*) of a brother or brothers and the son or sons of a brother or brothers, or

(*iii*) of a brother or brothers and the son or sons of a brother or brothers of the father, or

(*iv*) of a brother or brothers, the son or sons of a brother or brothers and the son or sons of a brother or brothers of the father,

the total agricultural income of the family shall be assessed *[at the rate specified in the Schedule]:

** [Provided that from the financial year commencing on the first day of April 1956 the total agricultural income of the family shall be assessed—

(*a*) at the rate applicable to share of a brother if such share exceeds Rs. 3,000 ;

(*b*) at nine pies in the rupee if the share of the brother is Rs. 3,000 or less.]

Explanation.—For the purposes of this section—

(*i*) the expression "share of a brother," means the portion of the total agricultural income of a Hindu undivided family, which would have been allotted to a brother, if a partition of the property of such family had been effected according to the ordinary rule of Hindu law applicable to such family, on the day before the assessment is made ; and

(*ii*) "son" includes a son's son but does not include the son's son of a brother or brothers of the father.

Assessment of tax on land held for the benefit of several persons.

12. (1) Save as provided in sections 10,13 and 15, if a person holds land on trust from which agricultural income is derived wholly for the benefit of another or partly for his own benefit and partly for the benefit of another, agricultural income-tax shall be assessed on the total agricultural income derived from such land at the rate which would be applicable if such person had held the land as his personal property and exclusively for his own benefit, and the agricultural income-tax so payable shall be assessed on the person holding such land, and he shall be liable to pay the same.

* Substituted by Act No. IV of 1955 published in Gazette Extraordinary No. 45 dated 27th April, 1955.

** Substituted by Act VI of 1956.

(2) Any person holding such land shall be entitled, before paying to any beneficiary the amount of agricultural income which such beneficiary is entitled to receive from the agricultural income derived from such land, to deduct the amount of agricultural income-tax at the rate at which the agricultural income is or will be assessed under sub-section (1).

Explanation.—In this section "beneficiary" means the person for whose benefit agricultural income of the land held on trust is derived.

Assessment of tax on common manager, receiver, etc.

13. Where any person holds land, from which agricultural income is derived, as a common manager appointed under any law for the time being in force or under any agreement or as receiver, administrator or the like on behalf of persons jointly interested in such land or in the agricultural income derived therefrom the aggregate of the sums payable as agricultural income-tax by each person on the agricultural income derived from such land and received by him shall be assessed on such common manager, receiver, administrator or the like, and he shall be deemed to be the assessee in respect of the agricultural income-tax so payable by each such person and shall be liable to pay the same.

Assessment of income derived from lands partly within the State and partly without.

14. Where agricultural income is derived from lands situated partly within the State and partly without the State, agricultural income-tax shall be levied under this Act :—

(*i*) where the portion of such income attributable to the lands situated within the State can be determined from the accounts maintained by the assessee, on the portion so determined ;

(*ii*) where the portion of the income so attributable cannot be determined by the method specified in clause (*i*), on such portion as may be determined in the prescribed manner.

Court of Wards, Administrator, etc.

15. In the case of agricultural income chargeable under this Act, which is received by the Court of Wards, the Administrator or the Official Trustee, the tax shall be levied upon and recoverable from such Court of Wards, Administrator, or Official Trustee, in the like manner and to the same amounts as it would be leviable upon and recoverable from any person on whose behalf such agricultural income is received, and all the provisions of this Act shall apply accordingly.

Exemptions in case of life Insurance.

16. (1) (*a*) Agricultural income-tax shall not be payable by an assessee in respect of any sums paid by him out of his total agricultural income to effect an insurance on his own life or on the life of his wife, or in respect of a contract for a deferred annuity on his own life or on the life of his wife, or as a contribution to any provident fund to which the Provident Funds Act, 1355 F., applies, or in respect of any sum paid by him in the previous year as premium in order to effect any insurance against loss of or damage to land or any crops to be raised thereon

or against risk of damage or destruction of buildings from which agricultural income is derived:

Provided that agricultural income-tax shall be payable on the remainder of the total agricultural income of such assessee at the rate which would have been applicable if such deduction had not been made.

(*b*) Nothing in this sub-section shall be deemed to entitle an assessee, who is assessed to income-tax under the Indian Income-tax Act, 1922, to claim a deduction in respect of any sum paid by him, as mentioned in clause (*a*), if such sum was exempted under section 15 of the said Act.

(2) Where the assessee is a Hindu undivided family, there shall be exempted under sub-section (1) any sums paid to effect an insurance on the life of any member of the family.

(3) The aggregate of any sums exempted under this section shall not exceed one-sixth of the total agricultural income of the assessee.

Carrying forward of loss of profits or gains.

*[16-A. Where any assessee sustains a loss of profits or gains in any year being a previous year not earlier than the previous year for the assessment for the year ending on the 31st day of March, 1951, the loss shall be carried forward to the following year and set off against the profits or gains if any of the assessee from agricultural income for that year and if it cannot be wholly so set off the amount of loss not so set off shall be carried forward to the following year and so on but no loss shall be carried forward for more than six years.]

Marginal adjustment of tax.

17. Agricultural income-tax payable by a person shall, in no case, exceed half the amount by which his total agricultural income exceeds the maximum amount not chargeable to agricultural income-tax.

CHAPTER III.

Income-Tax Authorities.

Income-tax authorities.

18. (1) There shall be the following classes of income-tax authorities for the purposes of this Act, namely:—

(*a*) Commissioner of Agricultural Income-tax;

(*b*) Deputy Commissioners of Agricultural Income-tax;

(*c*) Agricultural Income-tax Officers.

(2) The authorities specified in sub-section (1) shall be appointed by the Government and shall exercise and perform in such areas as the Government may, by notification, determine, prescribed powers and duties, and their conditions of service, and their relation to each other shall be such as may be prescribed.

*Added by Act No. XVII of 1951, published in Gazette No. (16) dated the 19th April, 1951.

(3) The Government may, by notification, empower any officer, other than the authorities specified in sub-section (1), to exercise such powers and perform such functions and duties under this Act in respect of such classes of persons or classes of income and in such areas, as may be specified in the notification.

(4) The persons appointed as authorities specified in sub-section (1) shall be deemed to be public servants within the meaning of the Hyderabad Penal Code.

CHAPTER IV.

ASSESSMENT, DEDUCTIONS AND EXEMPTIONS.

Return of agricultural income.

19. (1) The principal officer of every company shall in each year furnish to the Agricultural Income-tax Officer on or before the 15th day of June or such other date as may be fixed by the Commissioner in this behalf a return in the prescribed form and verified in the prescribed manner, of the total agricultural income of the company during the previous year :

Provided that the Agricultural Income-tax Officer may, in his discretion, extend the date for the delivery of the return in the case of any company or class of companies and in a case where a company's accounts are closed at the end of May, the Agricultural Income-tax Officer, without prejudice to the generality of his powers, shall extend the date to the end of July.

(2) In the case of any person not being a company whose total agricultural income is, in the opinion of the Agricultural Income-tax Officer, of such an amount as to render such person liable to agricultural income-tax for any financial year, the Agricultural Income-tax Officer may serve in that year a notice upon him requiring him to furnish, within such period, not being less than thirty days, as may be specified in the notice, a return in the prescribed form and verified in the prescribed manner setting forth, along with such other particulars as may be provided for in the notice, his total agricultural income during the previous year :

Provided that the Agricultural Income-tax Officer may, in his discretion, extend the date for the delivery of the return.

(3) If any person has not furnished a return within the time allowed by or under sub-section (1) or sub-section (2), or, having furnished a return under either of those sub-sections, discovers any omission or wrong statement therein he may furnish a return or a revised return, as the case may be, at any time before the assessment is made.

Assessment.

20. (1) If the Agricultural Income-tax Officer is satisfied that a return made under section 19 is correct and complete, he shall, by order in writing, assess the total agricultural income of the assessee, and determine the sum payable by him on the basis of such return.

(2) If the Agricultural Income-tax Officer is not satisfied that the return is correct and complete, he shall serve on the person who made the return a notice requiring him on the date specified therein, either to attend at the office of the Agricultural Income-tax Officer or to produce, or to cause to be there produced, any evidence on which such person may rely in support of the return.

(3) On the day specified in the notice issued under sub-section (2) or as soon afterwards as may be, the Agricultural Income-tax Officer, after hearing such evidence as such person may produce and such other evidence as the Agricultural Income-tax Officer may require on specified points, shall, by an order in writing, assess the total agricultural income of the assessee and determine the sum payable by him on such assessment.

(4) If any person fails to make a return under sub-section (1) or sub-section (2) of section 19, or, having made the return, fails to comply with all the terms of the notice issued under sub-section (2) of this section, or to produce any evidence required under sub-section (3) of this section, the Agricultural Income-tax Officer shall make the assessment to the best of his judgement and determine the sum payable by the assessee on the basis of such assessment :

Provided that before making such assessment, the Agricultural Income-tax Officer may allow the assessee such further time as he thinks fit to make the return or to comply with the terms of the notice or to produce the evidence.

Penalty for concealment of income.

21. (1) If the Commissioner, the Deputy Commissioner or the Agricultural Income-tax Officer, in the course of any proceeding under this Act, is satisfied that an assessee has concealed the particulars of his agricultural income or has deliberately furnished inaccurate particulars of such income and has thereby returned it below its real amount, he may direct that the assessee shall, in addition to the agricultural income-tax payable by him, pay by way of penalty a sum not exceeding the amount of agricultural income-tax which would have been avoided if the agricultural income so returned by the assessee had been accepted as the correct income :

Provided that no such order shall be made unless the assessee has been heard, or has been given a reasonable opportunity of being heard.

(2) No prosecution for an offence against this Act shall be instituted in respect of the facts on which a penalty has been imposed under this section.

(3) If the Commissioner or the Deputy Commissioner makes an order under sub-section (1), he shall forthwith send a copy of the same to the Agricultural Income-tax Officer.

Tax of deceased person payable by representative.

22. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person to the extent to which the estate is capable of meeting the charge the agricultural income-tax assessed as

payable by such person or any agricultural income-tax which would have been payable by him under this Act if he had not died.

(2) Where a person dies before he furnishes a return as required under the provision of sub-section (1) of section 19 or before he is served with a notice under sub-section (2) of that section or under section 27, as the case may be, the Agricultural Income-tax Officer may serve on his executor, administrator or other legal representative a notice under sub-section (2) of section 19 or under section 27, as the case may be, and may proceed to assess the total agricultural income of the deceased person as if such executor, administrator or other legal representative, were the assessee.

(3) Where a person dies, without having furnished a return which he has been required to furnish under the provisions of section 19 or having furnished a return which the Agricultural Income-tax Officer has reason to believe to be incorrect or incomplete, the Agricultural Income-tax Officer may make an assessment of the total agricultural income of such person and determine the tax payable by him on the basis of such assessment, and for this purpose may require from the executor, administrator or other legal representatives of the deceased person any accounts, documents or other evidence which he might under the provisions of sub-sections (2) and (3) of section 20 have required from the deceased person.

Notice of demand.

23. When any tax or penalty is due in consequence of any order passed under or in pursuance of this Act, the Agricultural Income-tax Officer shall serve on the assessee a notice of demand in the prescribed form specifying the sum so payable.

Appeal against assessment under this Act.

24. (1) Any assessee objecting to the amount of income assessed or rate at which he is assessed under section 20, or denying his liability to be assessed under this Act or objecting to any order under section 21 made against him by the Agricultural Income-tax-Officer, may appeal to the prescribed authority against the assessment or against such order.

(2) Every appeal under this section shall ordinarily be presented within the prescribed period, but the authority before whom the appeal is filed may admit an appeal after the expiration of the prescribed period, if such authority is satisfied that the appellant had sufficient cause for not presenting it within the prescribed period.

(3) The prescribed authority shall fix a day and place for the hearing of the appeal and may from time to time adjourn the hearing and make such further inquiry as it thinks fit.

(4) Every appeal under this section shall be presented in the prescribed form and shall be verified in the prescribed manner.

(5) In disposing of an appeal, the prescribed authority may—

(*i*) in the case of an order of assessment—

(*a*) confirm, reduce, enhance or annul the assessment;

(*b*) set aside the assessment and direct the Agricultural Income-tax Officer to make a fresh assessment after such further inquiry as may be directed; or

(*ii*) in the case of an order under section 21 confirm, cancel or vary such order:

Provided that no enhancement of an assessment shall be made under this section, unless the appellant has had a reasonable opportunity of being heard against such enhancement.

Power of revision.

25. (1) The Commissioner may, of his own motion or on application by an assessee, call for the record of any proceeding under this Act.

(2) On receipt of the record, the Commissioner may make such inquiry, or cause such inquiry to be made, and, subject to the provisions of this Act, may pass such orders thereon as he thinks fit:

Provided that the Commissioner shall not revise any order unless the proceeding for the revision of such order has been initiated within three years of the date of such order:

Provided further that the Commissioner shall not pass any order prejudicial to an assessee without hearing him or giving him a reasonable opportunity of being heard:

Provided also that an order of the Commissioner declining to interfere shall not be deemed to be an order prejudicial to the assessee.

(3) An application for revision under this section shall be made within such period as may be prescribed but the Commissioner may admit an application made after the expiration of the said period if he is satisfied that the applicant had sufficient cause for not making it within the said period.

Reference of case by Commissioner to High Court.

26. (1) If, in the course of any assessment under this Act or any proceeding in connection therewith other than a proceeding under Chapter VI, a question of law arises, the Commissioner may either of his own motion or on reference from any agricultural income-tax authority subordinate to him, draw up a statement of the case and refer it with his own opinion thereon to the High Court.

(2) Within sixty days of the date on which he is served with notice of an order under section 24 or of an order under section 25 enhancing an assessment or otherwise prejudicial to him, the assessee in respect of whom the order or decision was passed may, by application accompanied by a fee of one hundred rupees or such lesser sum as may be prescribed, require the Commissioner to refer to the High Court any question of law arising out of such order or decision, and the Commissioner shall within sixty days of the receipt of such application, draw up a statement of the case and refer it with his own opinion thereon to the High Court:

Provided that a reference shall lie from an order under section 24 only on a question of law arising out of that order itself, and not on a question of law arising out of a previous order under section 25 revised by the order under section 25 :

Provided further that in the case of a reference from an order under section 24, in computing the period of sixty days from the date on which the assessee was served with notice of the said order, the time during which any proceeding under section 25 in respect of the said order were pending, shall be excluded :

Provided lastly that, if, in exercise of his power of revision under section 25, the Commissioner decides the question or if the Commissioner rejects the application on the ground that it is time barred or otherwise incompetent, or if, in exercise of his power under sub-section (3) the Commissioner refuses to state the case, the assessee may, within thirty days from the date on which he receives notice of the order, passed by the Commissioner, withdraw his application, and if he does so, the fee paid shall be refunded.

(3) If, on any application being made under sub-section (2), the Commissioner refuses to state the case on the ground that no question of law arises, the assessee may apply, within six months from the date on which he is served with notice of the refusal, to the High Court, and the High Court, if it is not satisfied of the correctness of the decision of the Commissioner, may require him to state the case and to refer it and, on receipt of any such requisition, the Commissioner shall state and refer the case accordingly.

(4) If, on any application being made under sub-section (2), the Commissioner rejects it on the ground that it is time-barred the assessee may, within two months from the date on which he is served with notice of the order of the Commissioner, apply to the High Court, and the High Court if it is not satisfied of the correctness of the decision of the Commissioner, may require the Commissioner to treat the application as made within the time allowed under sub-section (2).

(5) If the High Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the question raised thereby, the Court may refer the case back to the Commissioner to make such additions thereto or alterations therein as the Court may direct in that behalf.

(6) The High Court upon the hearing of any such case shall decide the questions of law raised therby, and shall deliver its judgement thereon containing the grounds on which such decision is founded, and shall send to the Commissioner a copy of such judgement under the seal of the Court and the signature of the Registrar, and the Commissioner shall dispose of the case accordingly, or, if the case arose on a reference from any agricultural income-tax authority subordinate to him, shall forward a copy of such judgment to such authority who shall dispose of the case conformably to such judgment.

(7) Where a reference is made to the High Court on the application of an assessee, the cost shall be in the discretion of the Court.

(8) Notwithstanding that a reference has been made under this section to the High Court, agricultural income-tax shall be payable in accordance with the assessment made in the case:

Provided that, if the amount of an assessment is reduced as a result of such reference, the amount overpaid shall be refunded with such interest as the Commissioner may allow.

(9) Section 5 of the Hyderabad Limitation Act, 1322 F. shall apply to an application to the High Court by an assessee under sub-section (3) or sub-section (4).

Income escaping assessment.

27. If in consequence of definite information which has come into his possession, the Agricultural Income-tax Officer discovers that any agricultural income chargeable to agricultural income-tax has escaped assessment in any year or has been under assessed, or has been assessed at too low a rate, or has been the subject of excessive relief under this Act, the Agricultural Income-tax Officer may, in any case in which he has reason to believe that the assessee has concealed the particulars of his agricultural income or deliberately furnished inaccurate particulars thereof, at any time within six years and in any other case at any time within three years of the end of that year, serve on the person liable to pay agricultural income-tax on such agricultural income or, in the case of a company, on the principal officer of such company, a notice containing all or any of the requirements which may be included in a notice under sub-section (2) of section 19 and may proceed to assess or reassess such income, and the provisions of this Act shall, so far as may be, apply accordingly as if the notice were a notice issued under that sub-section:

Provided that the agricultural income-tax shall be charged at the rate at which it would have been charged, had the agricultural income not escaped assessment or full assessment as the case may be:

*[Provided further that for purposes of assessment of the agricultural income for the year 1952-53 the period within which a notice may be served shall, in respect of cases other than those in which the Agricultural Income-tax Officer has reason to believe that an assessee has concealed the particulars of his agricultural income or deliberately furnished inaccurate particulars thereof, be four years.]

Rectification of mistake.

28. (1) The authority which passed an order on appeal or revision may, at any time within one year from the date of such order, and the Agricultural Income-tax Officer may, at any time within one year from the date of any demand made upon an assessee, of his own motion, rectify any mistake apparent from the record of the appeal, revision or assessment, as the case may be, and shall within the like period rectify any such mistake as has been brought to his notice by such assessee:

Provided that no such rectification, shall, if it has the effect of enhancing an assessment, or reducing a refund, be made, unless

*Added by Act. No. VI of 1956, published in Gazette Extraordinary No. 65, 2nd April, 1956.

the appellate or revisional authority or the Agricultural Income-tax Officer, as the case may be, has given notice to the assessee of his intention so to do and has allowed him a reasonable opportunity of being heard.

(2) Where any such rectification has the effect of reducing the assessment, the Agricultural Income-tax Officer shall make any refund which may be due to such assessee.

(3) Where any such rectification has the effect of enhancing an assessment or reducing a refund, the Agricultural Income-tax Officer shall serve on the assessee a notice of demand in the prescribed form specifying the sum payable and such notice of demand shall be deemed to be issued under section 23, and the provisions of this Act shall apply accordingly.

Tax to be collected to the nearest anna.

29. In the determination of the amount of agricultural income tax or of a refund payable under this Act, fractions of a rupee equal to eight or less than eight annas shall be disregarded and a fraction of a rupee exceeding eight annas shall be regarded as one rupee.

Power to take evidence on oath.

30. The Commissioner, the Deputy Commissioner, and the Agricultural Income-tax Officer, shall for the purposes of this chapter, have the same powers as are vested in a Court under the Code of Civil Procedure, 1323 F., when trying a suit in respect of the following matters namely:—

(*a*) enforcing the attendance of any person and examining him on oath or affirmation;

(*b*) compelling the production of documents; and

(*c*) issuing commissions for the examination of witnesses;

any such proceeding before such Commissioner, Deputy Commissioner,or Agricultural Income-tax Officer under this chapter shall be deemed to be a "judicial proceeding" within the meaning of sections 179 and 205 and for the purpose of section 172 of the Hyderabad Penal Code.

Bar to recovery of rent in excess of that mentioned in rent-roll.

31. (1) If any person assessed to agricultural income-tax in respect of agricultural income mentioned in sub-clause (1) of clause (*a*) of section 2 produces before the Agricultural Income-tax Officer, for the purpose of calculating his agricultural income, any rent-roll or other document showing the amount of rent received by him he shall not be entitled to recover by suit or otherwise rent due to him in respect of any tenure or holding included in his return at a rate higher than the rate mentioned in such rent-roll or document in respect of such tenure or holding, unless the rent thereof has, since the date of return, been lawfully enhanced.

(2) Any person who has produced a rent-roll or other document referred to in sub-section (1) may, within one year of producing such rent-roll or document, apply to the Agricultural Income-tax Officer to make any correction therein, and the Agricultural Income-tax Officer may, if he is satisfied that such correction should be made, pass an order correcting such rent-roll or document.

(3) Where the Agricultural Income-tax Officer passes any order under sub-section (2) he may assess under section 27 any income escaping assessment by reason of the original incorrectness of any entry corrected.

Power to call for information.

32. The Deputy Commissioner or the Agricultural Income-tax Officer may, for the purposes of this Act—

(1) require any firm or Hindu undivided family to furnish him with a return of the names of members of the firm or of the names of the manager or the brothers and sons of brothers of the family as the case may be, and of their addresses;

(2) require any person whom he has reason to believe to be a trustee, guardian or agent to furnish him with a return of the names of the persons for or of whom he is a trustee, guardian or agent and of their addresses.

CHAPTER V.

RECOVERY OF TAXES AND PENALTIES.

Tax when payable.

33. (1) Any amount specified as payable in a notice of demand under section 23 shall be paid at the place specified in the notice, and within thirty days from the date of the service of the notice, and any assessee failing so to pay shall be deemed to be in default:

Provided that where an assessee has presented an appeal under section 24, the Agricultural Income-tax Officer may, in his discretion, treat the assessee as not being in default so long as such appeal is undisposed of.

(2) If an assessee makes an application within the time mentioned in the notice of demand under section 23 or an order under section 24 or 25 for being allowed to pay the tax due by instalments, the Agricultural Income-tax Officer may, in his discretion, by order in writing, allow the assessee to pay the tax due in instalments not exceeding four in number at such intervals as the said officer may fix in his discretion:

Provided that if, as a result of an application made by the assessee, the Agricultural Income-tax Officer allows the assessee to pay the tax due in instalments, the assessee shall be deemed to have waived all his rights of appeal under this Act:

Provided further that if, on being allowed to pay the tax due by instalments, the assessee defaults in the payment of any one instalment, he shall be deemed to be a defaulter in respect of the total remaining amount of tax due.

Mode and time of recovery.

34. (1) When an assessee is in default in making a payment of agricultural income-tax, the Agricultural Income-tax Officer may, in his discretion, direct that, in addition to the amount of the arrears, a sum not exceeding half that amount shall be recovered from the assessee by way of penalty.

(2) For the purposes of sub-section (1), the Agricultural Income-tax Officer may direct the recovery of any sum less than half the amount of the arrears and may enhance the sum so directed to be recovered from time to time in the case of a continuing default, so however that the total sum so directed to be recovered shall not exceed half the amount of the arrears payable.

(3) When an assessee is in default, the Agricultural Income-tax Officer may forward to the Taluqdar a certificate under his signature, specifying the amount of arrears due from the assessee, and the Taluqdar, on receipt of such certificate, shall proceed to recover from such assessee the amount specified therein as a public demand payable to the Taluqdar.

(4) When agricultural income-tax is, under section 8 payable by a trustee, or under section 10, payable by the Mutawalli of a trust of the description referred to in that section, and such trustee or Mutawalli is in default, the Agricultural Income-tax Officer may forward to the Taluqdar a certificate under his signature specifying the amount of arrears due from the assessee, and the Taluqdar on receipt of such certificate shall proceed to recover from such trustee or Mutawalli the amount specified therein as a public demand:

Provided that without prejudice to any other powers of the Taluqdar in this behalf, he shall for the purpose of recovering the said amount have the powers which under the Civil Procedure Code, 1323 F., a Civil Court has for the purpose of the recovery of an amount due under a decree.

(5) No proceeding for the recovery of any sum payable under this Act shall be commenced after the expiration of three years after—

(*a*) the last date on which the sum is payable without the assessee being deemed to be in default; or

(*b*) the date on which the last instalment fixed under sub-section (2) of section 33 falls due.

Recovery of penalties.

35. Any sum imposed by way of penalty under the provisions of section 21, or section 34 shall be recoverable in the manner provided in this chapter for the recovery of an arrear of tax.

Right, title and interest of a member of Hindu undivided family or of other persons on whose behalf property is held to pass to the purchaser when property is sold for realisation of arrears of tax.

36. (1) Where any property of a Hindu undivided family is sold under the said Act for the realization of arrears of agricultural income-tax, the right, title and interest of all members of such family in the property shall pass to the purchaser.

(2) Where any person has been assessed to agricultural income-tax on the agricultural income derived from land held by him wholly or partly for the benefit of other persons and the tax payable by him is in arrear, the land so held by him may be attached and sold for the realization of such arrears, and on such sale, the right, title and interest of such persons in the said land shall pass to the purchaser.

CHAPTER VI.

OFFENCES AND PENALTIES.

False statement in declaration.

37. If any person makes a statement in a verification mentioned in section 19 or section 24 which is false, and which he either knows or believes to be false, or does not believe to be

true, he shall be punishable, on conviction before a Magistrate, with simple imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Prosecution to be at the instance of the Deputy Commissioner.

38. (1) A person shall not be proceeded against for an offence under section 37 except at the instance of the Deputy Commissioner.

(2) Before instituting proceedings against any person under sub-section (1), the Deputy Commissioner shall call upon such person to show cause why proceedings should not be instituted against him.

(3) The Deputy Commissioner may stay any such proceeding or compound any such offence.

Disclosure of information by public servant.

39. (1) All particulars contained in any statement made, return furnished, or accounts or documents produced under the provisions of this Act, or in any evidence given or affidavit or deposition made, in the course of any proceedings under this Act other than proceedings under this chapter, or in any record of an assessment proceeding or any proceeding relating to the recovery of a demand, prepared for the purposes of this Act, shall be treated as confidential, and notwithstanding anything contained in the Hyderabad Evidence Act, II of 1313 F., no Court shall, save as provided in this Act, be entitled to require any public servant to produce before it any such return, accounts, document or record or any part of such record or to give evidence before it in respect thereof.

(2) If, save as provided in sub-section (3), a public servant discloses any particulars contained in any such statement, return, accounts, document, evidence, affidavit, deposition or record, he shall be punishable with imprisonment which may extend to six months, and shall also be liable to fine.

(3) Nothing contained in this section shall apply to the disclosure —

(*a*) of any such particulars for the purpose of a prosecution under the Hyderabad Penal Code, in respect of any such statement, return, accounts, document, evidence, affidavit or deposition for the purposes of a prosecution under this Act ; or

(*b*) of any such particulars to any person acting in the execution, of this Act where it is necessary to disclose the same to him for the purposes of this Act ; or

(*c*) of any such particulars occasioned by the lawful employment under this Act of any process for the service of any notice or the recovery of any demand ; or

(*d*) of any such particulars to a Civil Court in any suit to which the Government is a party which relates to any matter arising out of any proceeding under this Act ; or

(*e*) of any such particulars to any officer appointed to audit agricultural income-tax receipts or refunds ; or

(*f*) of any such particulars relevant to any inquiry into the conduct of an official of the Agricultural Income-tax Department to any persons appointed to hold such inquiry; or

(*g*) of such facts to an officer of the Central Government as may be necessary for the purpose of enabling that Government to levy or realise any tax or duty imposed by it; or

(*h*) of any such particulars occasioned by the lawful exercise by a public servant of his powers under the Hyderabad Stamp Act, 1331 F. to impound an insufficiently stamped document; or

(*i*) of such facts to any person charged by law with the duty of inquiring into the qualifications of electors, as may be necessary to establish whether a person is or is not entitled to be entered on an electoral roll; or

(*j*) of any such particulars relevant to an inquiry into a charge of misconduct in connection with income-tax proceedings against a lawyer or accountant to the authority empowerd to take cognizance of such charge; or

(*k*) of any such particulars to any assessee or his legal representative as may be necessary to furnish copies of documents or statements submitted by the assessee under this Act and to establish the correctness thereof.

Cognizance of offences.

40. (1) No Court shall take cognizance of any offence under this Act, or the rules made thereunder, except with the previous sanction of the Deputy Commissioner, and no Court inferior to that of a Magistrate of the first class shall try any such offence.

(2) Notwithstanding anything contained in the Hyderabad Criminal Procedure Code, all offences punishable under this Act shall be cognizable and bailable.

CHAPTER VII.

MISCELLANEOUS.

Place of assessment.

41. (1) Subject to any orders passed under sub-section (2), the agricultural income of a person shall be assessed by the Agricultural Income-tax Officer of the area in which is situated the land from which the greater part of the agricultural income of such person is derived:

Provided that where an assessee has made a return under sub-section (1) of section 19 to the Agricultural Income-tax Officer having jurisdiction over the assessee's place of residence or the place where any of his lands are situated or where his accounts are maintained, he shall be deemed to have elected such place as his place of assessment and it shall be accepted by the officer concerned unless for reasons to be recorded in writing, he passes an order that the assessment shall be made in any other place.

(2) (*a*) An assessee who has not made a return under section 19 may at any time before the expiry of the time allowed for the submission of the return, apply to the Agricultural Income-tax Officer of the area in which is situated the land from which the greater part of the agricultural income of the assessee is derived, to be assessed at his usual place of residence or at the place where the accounts relating to his agricultural income are kept, if either of such places is situated in the Hyderabad State and the Agricultural Income-tax Officer shall refer the matter to the Deputy Commissioner whose decision thereon shall be final.

(*b*) Where an order is passed under clause (*a*), the assessee shall not be entitled to make any further application to change his place of assessment:

Provided that the Agricultural Income-tax Officer may allow the assessee to be assessed at any other place upon such conditions as he thinks fit.

(3) Notwithstanding anything contained in this section, every Agricultural Income-tax Officer shall have all the powers conferred by or under this Act on the Agricultural Income-tax Officer in respect of any agricultural income derived from land situated within the area to which he is appointed.

Bar of suits in Civil Courts.

42. No suit shall be brought in any Civil Court to set aside or modify any assessment made under this Act, and no prosecution, suit or other proceeding shall lie against any officer of the State for anything in good faith done or intended to be done under this Act.

Computation of periods of limitation.

43. In computing the period of limitation prescribed for any appeal under this Act, the day on which the order complained of was made and the time requisite for obtaining a copy of such order shall be excluded.

Appearance by authorised representative.

44. Any assessee, who is entitled or required to attend before any agricultural income-tax authority in connection with any proceeding under this Act, otherwise than when required under section 30 to attend personally for examination on oath or affirmation, may attend either in person or by any person authorised by him in writing in this behalf.

Receipts to be given.

45. A receipt shall be given for any money paid or recovered under this Act.

Service of notices.

46. (1) A notice or requisition under this Act may be served on the person therein named either by post or, as if it were a summons issued by a Court, under the Code of Civil Procedure, 1323 F.

(2) Any such notice or requisition may, in the case of a firm or a Hindu undivided family, be addressed to any member of the firm or to the manager, or any adult male member of the family, and, in the case of any other association of individuals, be addressed to the principal officer thereof; and any such notice

or requisition so addressed shall be deemed to be a notice or requisition to the firm, family or association of individuals, as the case may be.

Indemnity.

47. Every person deducting, retaining or paying any tax in pursuance of this Act in respect of any agricultural income belonging to any other person is hereby indemnified for the deduction, retention or payment thereof.

Powers of agricultural income-tax authorities to call for papers or documents.

48. Nothing in this Act shall be deemed to authorise any of the agricultural income-tax authorities mentioned in section 18 to call for any papers or documents for the purpose of ascertaining agricultural income or for any other purpose under this Act except the papers noted below:—

(1) papers showing the amount of rent which accrued due in the previous year;

(2) papers showing the actual receipt of agricultural income by an assessee in the previous year;

(3) ledgers showing the actual expenditure incurred for which a deduction or exemption is claimed under this Act;

(4) original vouchers supporting the items of expenditure referred to in clause (3); and

(5) any other paper which in the opinion of any of the agricultural income-tax authorities is relevant to the ascertainment of the agricultural income of an assessee or the verification of claims for deduction or exemption made by an assessee.

Power to seize papers, etc., and search premises.

49. (1) If the Agricultural Income-tax Officer has reason to believe that any person is attempting to evade the payment of any tax due from him under this Act, he may, for reasons to be recorded in writing, seize or take copies of or cause copies to be taken of any register of members debentures, mortgage deeds, rent-roll and batai, counterfoils of rent, receipts, cash books, ledgers and other documents which, in the opinion of the Agricultural Income-tax Officer, are relevant to the ascertainment of the agricultural income of such person, and shall grant a receipt for any of the papers or documents so seized and shall retain the same only for so long as may be neceesary for examination thereof or for a prosecution.

(2) For the purposes of this section, the Agricultural Income-tax Officer may enter and search the office premises of such person.

Power to make rules.

50. (1) The Government may, after previous publication, make rules for carrying out the purposes of this Act, and such rules may be made for the whole of the State or for such part thereof as may be specified.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the manner in which, and the procedure by which, the net agricultural income of a person referred to in sub-section (1) of section 7 shall be determined;

(*b*) prescribe the rate of depreciation in respect of capital assets referred to in sub-clause (*iv*) of clause (*g*) of sub-section (2) of section 7;

(*c*) prescribe deductions, other than the deductions mentioned in clauses (*a*) to (*g*) of sub-section (2) of section 7, to be made in the computation of the net agricultural income;

(*d*) prescribe the manner in which, and the procedure by which the portion of the agricultural income referred to in clause (*ii*) of section 14 shall be determined;

(*e*) prescribe the powers, functions and duties of agricultural income-tax authorities, the area in which such powers, functions and duties shall be exercised and performed, the relation of such authorities to each other and the conditions of service of such authorities;

(*f*) prescribe the form of returns under section 19 and the manner in which they shall be verified;

(*g*) prescribe the form of the notice of demand mentioned in section 23 and in sub-section (3) of section 28;

(*h*) prescribe the authority to whom appeals may be preferred under sub-section (1) of section 24, the period not being less than thirty days, within which such appeals shall be presented, the form of such appeals and the manner in which they shall be verified;

(*i*) prescribe the period within which applications for revision referred to in sub-section (3) of section 25 shall be made;

(*j*) prescribe the fee mentioned in sub-section (2) of section 26;

(*k*) prescribe the method by which the assessment of agricultural income as determined under section 6 or section 7 shall be made in the case of an assessee who does not reside in the Hyderabad State, or of an assessee who resides in the Hyderabad State and is temporarily absent therefrom;

(*l*) prescribe the manner in which the tax payable by an assessee who has died since the date of assessment made on him shall be payable;

(*m*) prescribe the manner in which the tax shall be payable where the assessment is made on the agricultural income of a Hindu undivided family and a partition of the property of such family has been effected after the date of such assessment;

(*n*) provide for the circumstances in which refunds of the tax paid under this Act shall be made and prescribe the manner in which such refunds shall be made;

(*o*) prescribe fees incidental to the disposal of appeals, applications for revision, and any other application or petition filed before any of the agricultural income-tax authorites referred to in section 18; and

(*p*) provide for any other matter which by this Act has to be or may be prescribed.

Saving of Act VIII of 1357 F. tax for the year 1359F.

51. (1) Nothing in this Act shall affect the continued application of the Income-tax Act, 1357F. (hereinafter in this section referred to as the said Act) to the assessment and levy of the tax payable by any person for the year 1357 F., or the year 1358 F., and to all matters arising out of such assessment and levy.

*[(1-A) Notwithstanding anything contained in sub-section (1) and notwithstanding the fact that the period of three years referred to in sub-section (1) of section 46 of the said Act has expired in any case, an assessment and levy of tax on agricultural-income as defined in this Act shall be made for the year 1357 F., and also for the year 1358 F., by Agricultural Income-tax Officers appointed for the purpose, so far as may be in accordance with the provisions of the said Act which shall, however, be read as though the second proviso to clause (4) of section 2 thereof were omitted and the words 'three years' in sub-section (1) of section 46 thereof, were replaced by the words 'four years':

Provided that nothing in this sub-section shall authorise the reopening of an assessment which has already completed.]

(2) Where the assessment of the income-tax payable by an assessee for the year 1359 F., under the said Act has been completed before the 1st day of April 1950, nothing in this Act shall affect the assessment, and appeals from, and all other proceedings arising out of, the assessment shall be regulated by the said Act.

(3) Where the assessment of the income-tax payable by an assessee for the year 1359 F., under the said Act has not been completed before the 1st day of April 1950, the tax so payable shall be assessed in accordance with the provisions of the said Act on the assessee's agricultural income as defined in this Act of the previous year as determined under the said Act, and appeals from, and all, other, proceedings arising out of, the assessment shall be regulated by this Act.

(4) Subject to the provisions of sub-sections (1), *[(1-A)], (2) and (3), the said Act shall cease to have effect.

** [THE SCHEDULE.

(See Section 5).

		Rate (pies in the Rupee)
1.	On the first Rs 2,000 of total income	Nil
2.	On the next Rs. 3,500 of total income	9
3.	On the next Rs. 5,000 of total income	18
4.	On the next Rs. 5,000 of total income	36
5.	On the balance of total income	48.]

*Added by Act No. XXXVII of 1951, published in Extraordinary Gazette No. (60), dated 20th December, 1951.

**Substituted by Act No. VI of 1956, published in Gazette Extraordinary No. 65 Dated 2nd April, 1956

THE HYDERABAD GENERAL SALES TAX ACT, 1950.

NO. XIV OF 1950.

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Schedule I.

Schedule II.

*THE HYDERABAD GENERAL SALES TAX ACT, 1950.

No. XIV OF 1950.

WHEREAS it is expedient to provide for the levy of a general tax on the sale of goods in the Hyderabad State;

IT IS hereby enacted as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad General Sales Tax Act, 1950.

(2) It extends to the whole of the Hyderabad State and shall come into force from the date of its publication in the Jarida.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "assessee" means a person by whom a tax is payable under this Act;

(*b*) "assessing authority" means any person authorised by Government to make any assessment under this Act;

(*c*) "casual trader" means a person who, in the period of assessment referred to in section 3 or any year of assessment referred to in section 4, has not been regularly engaged in the business of buying, selling or supplying goods in the Hyderabad State, but has in such period or year been a party, whether as principal or agent, to occasional transactions of a business nature involving the buying, selling or supplying of goods in the said State;

(*d*) "Commissioner" means the person appointed by Government to be the Commissioner of Sales Tax, and Deputy Commissioner means a person so appointed to be a Deputy Commissioner of sales tax;

(*e*) "dealer" means any person, local authority, company, firm, Hindu undivided family or any association or associations of persons engaged in the business of buying, selling or supplying goods in the Hyderabad State whether for a commission, remuneration or otherwise and includes †[a State Government which carries on such business and] any society, club or association which buys or sells or supplies goods to its members;

(*f*) "exempted goods" means goods specified in Schedule I;

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*Published in the Extraordinary Jarida No.(45) dated 12th April, 1950.

†Amended by Act No. VI of 1952, published in Gazette-Extraordinary No. (14 dated 28th February, 1952.

(*g*) " goods " means all kinds of movable property other than actionable claims, stocks and shares and securities, and includes all materials, articles and commodities, including materials, articles and commodities designed to be used in the construction, fitting out, improvement or repair of movable or immovable property ;

(*h*) " licence " means a licence granted or renewed under this Act ;

(*i*) " prescribed " means prescribed by rules made under this Act ;

†[(*ii*) " " Tribunal " means the Tribunal appointed under section 2-A.]

(*j*) " registered dealer " means a dealer registered under this Act ;

(*k*) " sale " with all its grammatical variations and cognate expressions means every transfer of property in goods by one person to another in the course of trade or business for cash or for deferred payment or other valuable consideration and includes also a transfer of property in goods involved in the execution of a *[works] contract, but does not include a mortgage, hypothecation, charge or pledge ;

Explanation.—(1) A transfer of goods on the hire purchase or other instalment system of payment shall, notwithstanding the fact that the seller retains the title in the goods as security for payment of the price, be deemed to be a sale.

**[*Explanation.*—(1) Notwithstanding anything to the contrary in any other law for the time being in force, a transfer of goods, in respect of which no tax can be imposed by reason of the provisions contained in article (286) of the Constitution, shall not be deemed to be ' Sale ' within the meaning of this clause.]

(*l*) " tax " means a tax leviable under the provisions of this Act ;

(*m*) " turnover " means the aggregate amount for which goods are either bought by or sold by a dealer, whether for cash or for deferred payment or other valuable consideration :

*[Provided that the proceeds of the sale by a person of agricultural or horticultural produce grown by himself or grown on any land in which he has an interest whether as owner, usufructuary mortgagee, tenant or other wise shall be excluded from his turnover ;]

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†Added by Act No. VII of 1955 published in Gazette Extraordinary No. 56, dated 14th May, 1955.

*Amended by Act, No. X of 1953, published in Gazette Extraordinay No. 59, dated 1st May, 1953.

**Substituted by Act No. XXXII of 1950.

Explanation.--(1) Subject to such conditions and restrictions, if any, as may be prescribed in this behalf–

(*i*) the amount for which goods are sold shall, in relation to a works contract, be deemed to be the amount payable to the dealer for carrying out such contract, less such portion as may be prescribed of such amount representing the usual proportion of the cost of labour to the cost of materials used in carrying out such contract;

(*ii*) the amount for which goods are sold shall include any sums charged for anything done by the dealer in respect of the goods sold at the time of or before the delivery thereof;

(*iii*) any cash or other discount on the price allowed in respect of any sale and any amount refunded in respect of articles returned by customers shall not be included in the turnover;

(*iv*) where for accommodating a particular customer, a dealer obtains goods from another dealer and immediately disposes of the same to the said customer, the sale in respect of such goods shall be included in the turnover of the latter dealer but not in that of the former;

(*n*) " works contract " means any agreement for carrying out for cash or for deferred payment or other valuable consideration, the construction, fitting out, improvement or repair of any building, road, bridge or other immovable property or the fitting out, improvement or repair of any movable property;

*[(*o*) ' year ' means the financial year commencing on the first day of April, but for purposes of assessment a dealer may at his option declare that he will adopt the year for which the accounts of that dealer are ordinarily maintained in his books and where no such declaration is made the year commencing on the first of April and ending on the 31st of March shall be reckoned as the assessment year:

Provided that a registered dealer shall not change his assessment year except with the previous permission of the Assessing Authority of the area and except on such terms and conditions as may be determined by that authority.]

Appointment of Tribunal.

‡[2.-A. (1) The Government shall appoint a Tribunal consisting of three members to exercise the functions conferred on the Tribunal by or under this Act. Of the three Members, one shall be a judicial Officer not below the rank of District Judge. He shall be the Chairman of the Tribunal. The other two members shall possess such qualifications as may be prescribed.

(2) Any vacancy in the membership of the Tribunal shall be filled up by the Government.

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*Amended by Act No. X of 1953, published in Gazette Extraordinary No. (59) dated 1st May, 1953.

‡ Added by Act No. VII of 1955, published in Gazette Extraordinary No. 56, dated 14th May, 1955.

(3) (a) The functions of the Tribunal may be exercised by a Bench constisting of all the members of the Tribunal or by a Bench constisting of two members consituted by the Chairman or, in the event of the office of a member other than the Chairman being vacant, by a Bench consisting of the Chairman and the other members :

Provided that, if any case which comes up before a Bench (of which the Chairman is not a member) involves a question of law, the Bench may, in its discretion, reserve such for decision by a Bench of which the Chairman shall be a member.

(b) Where an appeal or application is heard by all the three members of the Tribunal, and the members differ in opinion on any point, the point shall be decided in accordance with the opinion of the majority.

(c) Where an appeal or application is heard by a Bench consisting of two members and the members are divided in their opinion, the case shall be referred to the full Bench.

(4) The Tribunal shall, with the previous sanction of the Government, make regulations consistent with the provisions of this Act and the rules made thereunder, for regulating its procedure and the disposal of its business.

(5) The regulations made under sub-section (4) shall be published in the official Gazette.]

Tax for the year 1950-51.

3. For the year opening on the 1st day of April, 1950, every dealer whose total turnover for the period from the 1st day of May 1950 to the 31st day of March 1951, is not less than Rs. 6,875, and every casual trader whatever be his total turnover for the said period, shall, save as otherwise provided in this Act, pay—

(1) a tax at the rate of two pies in the rupee on so much of his turnover for the said period as is attributable to transactions (excluding transactions performed in execution of a contract entered into before the commencement of this Act) in goods other than exempted goods ;

(2) an additional tax at the rate of six pies in the rupee on so much of his turnover for the said period as is attributable to transactions (excluding such transactions as aforesaid) in goods specified in Schedule II.

Tax for subsequent years.

4. For every subsequent year every dealer whose turnover for the year is not less than Rs. 7,500, and every casual trader whatever be his tunrover for the year, shall, save as otherwise provided in this Act, pay—

(1) a tax at the rate of *[three pies in the rupee in I.G. currency] on so much of his turnover for the year as is attributable to transactions in goods other than exempted goods ;

* Amended by Act. [No. X of 1953, published in Gazette Extraordinary No. (59), dated 1st May, 1953.

(2) an additional tax at the rate of six pies in the rupee *[in I.G. currency] on so much of his turnover for the year as is attributable to transactions in goods specified in Schedule II.

*[4-A. The Assessing Authority of the area may in such circumstances and subject to such conditions as may be prescribed, accept from any dealer in lieu of the amount of the tax payable during any period under this Act a lumpsum by way of composition determined in the prescribed manner.]

Points of sale at which tax to be leviable.

5. (1) The tax payable under clause (1) of section 3 or clause (1) of section 4 shall, save as provided in section 6, be leviable in respect of every point in a series of sales by successive dealers or casual dealers :

Provided that--

(*i*) the buyer and the seller shall not both be taxed in respect of the same transaction of sale;

(*ii*) where a dealer or casual trader is taxed as the buyer of any goods he shall not be taxed in respect of a subsequent sale by him of the same goods.

(2) The tax payable under clause (2) of section 3 and clause (2) of section 4 shall be leviable at such one point only in a series of sales by successive dealers or casual traders as may be prescribed.

[*Special Provisions for bullion, etc.

6. Notwithstanding anything contained in this Act,

(*i*) so much of the turnover as is attributable to transactions in gold or silver bullion shall be liable to tax at the rate of four annas in one hundred rupees at one point only and the tax shall be leviable on the first dealer or casual trader who is not exempt under this Act;

(*ii*) so much of the turnover as is attributable to transactions in precious stones including unset precious stones, pearls, real and cultured, imitation precious stones and gold or silver gota, lace and salma shall be liable to tax at the rate of two rupees in one hundred rupees at one point only and the tax shall be leviable on the first dealer or casual trader who is not exempt under this Act ;

(*iii*) so much of the turnover as is attributable to transactions in cigarettes costing annas two or less per packet of ten cigarettes shall be liable to tax at the rate of †[one anna and three pies] in a rupee at one point only and the tax shall be leviable on the first dealer or casual trader who is not exempt under this Act ;]

†(*iv*) [Omitted.]

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*Amended by Act No. X of 1953, published in Gazette Extraordinary No. (59), dated 1st May, 1953.

†Amended by Act No. XIII of 1956, published in Gazette Extraordinary No. 109, dated 6th June, 1956.

*[(*v*) so much of the turnover as is attributable to transactions in all cotton cloth made in mills or woven on power looms other than coarse and medium cloth costing less than Rs. 2-8-0 per yard shall be taxed at six pies in the rupee at the first point of sale and at three pies at subsequent points ;

Explanation (1).—" Coarse " cloth means any cloth in which the count of warp yarn employed (excepting the border) is below 17s (whether single or folded) ;

Explanation (2).—" Medium " cloth means any cloth in which the court of warp yarn employed (excepting the border) is 17s or finer but is less than 35s (whether single or folded;]

†[(*vi*) so much of the turnover as is attributable to transactions in sugar shall be taxed at the rate of six pies in a rupee at the first point of sale only and the tax shall be leviable on the first dealer or casual trader who is not exempt under this Act :

Provided that the Government may, by notification in the Official Gazette increase the rate of such tax on sugar from six pies up to one anna in a rupee ;]

(*vii*) so much of the turnover as is attributable to transactions in matches shall be taxed at the rate of six pies in a rupee at the first point of sale only and the tax shall be leviable on the first dealer or casual trader who is not exempt under this Act ;]

‡[(*viii*) so much of the turnover as is attributable to transactions in cotton including kapas shall be liable to tax at the rate of six pies in the rupee at such one point only as may be specified by Government by notification in the Official Gazette ;]

(*ix*) so much of the turnover as is attributable to transaction in Kerosene shall be liable to tax at the rate of 3 pies in the rupee at such one point only as may be specified by Government by notification in the Official Gazette ;]

*[(*x*) (*a*) so much of the turnover as is attributable to the sale of State liquor as defined in sub-clause (a) of clause (ix) of section 2 of the Hyderabad Abkari Act, 1316 F. (I of 1316 F.) other than brandy, rum and whisky shall be taxed at the rate of six pies in the rupee at the first point of sale ;

(*b*) so much of the turnover as in attributable to the sale of liquor other than State liquor to which the above sub-clause applies shall be taxed at the rate of two annas in the rupee at the first point of sale ;]

(*xi*) so much of the turnover as is attributable to the sale of Opium. Ganja and Bhang, shall be taxed at the rate of six pies in the rupee at the first point of sale ;

(*xii*) so much of the turnover as is attributale to transactions in cereals and pulses, including all kinds of dhas and

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* Amended by Act No. XIII of 1956, published in Gazette Extraordinary No. 109, dated 6-6-1956.

† Substituted by Act No. XXVII of 1954, published in Gazette Extraordinary No. 172, dated 1st October, 1954.

‡ Inserted by act No. XXVIII of 1954 published in Gazette Extraordinary No. (174), dated 1st October, 1954.

paddy, husked or unhusked, shall be liable to tax at the rate of six pies in the rupee at such one point only as may be specified by the Government by notification from time to time;

**[(*xiii*) so much of the turnover as is attributable to transactions in cement shall be taxed at the rate of nine pies in the rupee at the first point of sale.

(*xiv*) Government may at any time by notification in the Jarida impose a tax on the sale of cigarettes costing more than annas two per packet of ten cigarettes, pipe tobacco and cigars, at a rate not higher than annas five in the rupee at such stage or stages as the Government may deem fit.]

Power to make exemptions, etc.

7. (1) Government may by notification in the Jarida make an exemption, reduction in rate or other modification in respect of any tax payable under section 3 or section 4 in favour of—

(*a*) any specified class of goods at all points or at any specified point or points in a series of sales by successive dealers or casual traders, or

(*b*) the whole or any part of the turnover of any specified class of persons.

†[(2) Any exemption, reduction in rate or other modification made under sub-section (1) may be made either unconditionally or subject to such restrictions and conditions as may be specified in the notification.

Licensing of dealers in exempted goods.

†[8. (1) A dealer who deals in exempted goods (including goods exempted by notification under section 7) and whose total probable turnover from such goods in the period of assessment referred to in section 3, or in any year of assessment referred to in section 4, is not less than Rs. 6,875 or 7,500 as the case may be, shall not continue after such date as may be prescribed to deal in such goods otherwise than under, and in accordance with the conditions of, a licence to be obtained before that date and from time to time renewed before the expiration of the period for which it is for the time being valid.

(2) A dealer who deals in goods in contravention of sub-section (1) or who commits any breach of the conditions of a licence obtained under sub-section (1) shall be liable to the prescribed penalties and in respect of goods exempted by notification under section 7 shall in the discretion of the assessing authority be liable to pay the tax to which he would have been liable if the exemption had not been made.]

*[(3) Omitted.]

Licensing and exemption of agents.

9. The Government may, on application and on payment of such fee as may be prescribed in that behalf, licence under this section any person who for an agreed commission or brokerage

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** Amended by Act No. XIII of 1956, published in Gazette Extraordinary No. 109, dated 6-6-1956.

†Amended by Act No. XXXII of 1950, published in Gazette Extraordinary No. 50, dated 11th September, 1950.

*Omitted by Act No. X of 1953, published in Gazette Extraordinary No. 59, dated 1st May, 1953.

buys or sells on behalf of known principals specified in his accounts in respect of each transaction and may exempt from the tax or taxes payable under section 3,4 or 6 such of his transaction as are carried out in accordance with the terms and condition of his licence:

Provided that—

(*i*) in the case of an agent who carries on such business in the Hyderabad State on behalf of a principal who is a resident of the Hyderabad State, the agent shall be assessed to the tax or taxes leviable under this Act, in respect of the transaction. Without prejudice to his other rights to recover from his principal the tax or taxes paid by him on behalf of the principal such agent may retain out of any moneys payable to the principal by the agent, a sum equal to the amount of the tax or taxes assessed on or paid by the agent. The principal on whose behalf the agent has paid the tax or taxes as aforesaid shall not again be taxed in respect of same transaction but the burden of proving that the tax in respect of the transaction has been paid to the agent shall be on such principal;

(*ii*) the commission or brokerage agreed upon and specified in the accounts represent the entire remuneration payable to the agent, apart from the tax paid by him on behalf of the principal and the legitimate incidental charges actually incurred by him and specified in the accounts in respect of insurance, transport, loading and unloading, godown rent, interest, correspondence, telegrams, the use of the telephone, and the like;

(*iii*) the burden of proving that a transaction is exempt, by virtue of this section, from tax or taxes payable under section 3,4 or 6 shall be on the licensee.

Registration of dealers.

10. (1) Every dealer whose probable turnover for the period of assessment referred to in section 3, or for any year of assessment referred to in section 4 is not less than Rs. 4,583 or Rs. 5,000 as the case may be, shall be registered under this Act and for that purpose shall submit an application for registration to such person, in such manner, within such period and accompanied by such fee, as may be prescribed.

(2) A dealer who has been registered in pursuance of subsection (1) shall be entitled to have his registration cancelled if he establishes to the satisfaction of the prescribed authority—

(*a*) that his turnover for the period of assessment referred to in section 3 was less than Rs. 4,583 and that his turnover for the year 1951-52 was less than Rs. 5,000, or

(*b*) that his turnover in each of two consecutive years, the first of which was a year not earlier than 1951-52, was less than Rs. 5,000.

(3) A dealer shall, until his registration is cancelled, be liable to pay the prescribed fee for every year subsequent to that in which he applied for registration.

Collection of tax by dealers.

11. (1) No person who is not registered as a dealer shall collect any amount by way of tax under this Act nor shall a registered dealer make any such collection before the 1st day

of May, 1950, except in accordance with such conditions and restrictions, if any, as may be prescribed:

Provided that Government may exempt persons who are not registered dealers from the provisions of this sub-section until such date, not being later than the 1st day of June, 1950, as Government may direct.

†[(2) Notwithstanding anything to the contrary contained in any order of an officer or tribunal or the judgement. decree or order of a Court, every person who has collected or collects on or after 1st May, 1950 any amount by way of tax otherwise than in accordance with the provisions of this Act shall pay over to the Government within such time and in such manner as may be prescribed the amount so collected by him, and in default of such payment the said amount shall be recovered from him as if it were arrears of land revenue.]

Procedure to be followed by assessing authority.

12. (1) Every dealer whose turnover in the period of assessment referred to in section 3 is six thousand eight hundred and seventy-five rupees or more or whose turnover in any year of assessment referred to in section 4, is seven thousand five hundred rupees or more in a year shall submit, such return or returns relating to his turnover in such manner, and within such periods as may be prescribed.

(2) If the assessing authority is satisfied that any return submitted under sub-section (1) is correct and complete, he shall assess the dealer on the basis thereof.

(3) If no return is submitted by the dealer under sub-section (1) within the period prescribed in that behalf or if the return submitted by him appears to the assessing authority to be incorrect or incomplete, the assessing authority shall assess the dealer to the best of his judgment:

Provided that before action is taken under this sub-section the dealer shall be given a reasonable opportunity of proving the correctness and completeness of any return submitted by him.

(4) Subject to the prescribed conditions, the assessing authority may, in lieu of proceeding in accordance with the provisions of sub-sections (1) to (3), assess a dealer——

(*a*) for the year 1951-52 as if his transactions in that year had been the same as his transactions in the period of assessment referred to in section 3 increased by *[one-eleventh], and

(*b*) for any subsequent year as if his transactions in that year had been the same as in the previous year.

Payment and recovery of tax and other dues payable under the Act.

13. (1) The tax assessed under this Act shall be paid in such manner, in such instalments, if any, and within such time, not being less than fifteen days from the date of service of the notice of assessment, as may be specified in such notice.

(2) In default of such payment a penalty not exceeding the tax remaining unpaid may be imposed and the total amount due, including the penalty, if any, may be recovered as if it were an arrear of land revenue.

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* Substituted by Act No. I of 1951, published in Gazette No. (2), dated 11th January, 1951.

† Substituted by Act No. XXI of 1956.

*[(3) All other dues payable under this Act such as licence fees, registration fees and compounding fees remaining unpaid may, without prejudice to any other modes of recovery, be recoverable as arrears of land revenue.]

Refunds.

**[13-A. The assessing or the licensing authority, as the case may be, shall refund the tax or the licence fees, if any, paid provisionally by an assessee or licensee for a particular period, if it is found to be in excess of the tax or licence fees payable by him for the said period, either by cash payment, or, at the option of the assessee or licensee, by deduction of such excess from the amount of tax or licence fees due in respect of any other period:

Provided that the assessing or the licensing authority, as the case may be, shall first apply the excess paid in respect of any period towards the recovery of any amount in respect of which a notice of demand may have been issued, and shall then refund the balance remaining, if any.

Remission of Tax.

**13-B. The Commissioner may, subject to such condition as may be prescribed, remit the whole or part of the amount of the tax payable in respect of any period by any dealer or casual trader who has suffered financially, on account of riots or through natural calamities:

Provided that if the amount to be remitted exceeds Rs. 2,000 the remission shall not be made without the previous sanction of the Government.]

Appeals.

14. (1) Any assessee objecting to an assessment made or a penalty imposed on him may, within thirty days from the date on which he was served with notice of the assessment or penalty, appeal to such authority as may be prescribed:

†[Provided that the Appellate Authority may for sufficient cause condone the delay in submission of the appeal if the reasons for doing so are shown to his satisfaction :]

Provided †[further] that no appeal shall be entertained under this sub-section unless it is accompanied by satisfactory proof of the payment of the tax admitted by the appellant to be due or of such instalments thereof as have become payable as the case may be.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) The appellate authority may after giving the appellant a reasonable opportunity of being heard, pass such orders on the appeal as such authority may think fit.

(4) Every order passed in appeal under this section shall subject to **[the provisions of sections 15 and 15-A] be final.

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*Substituted by Act No. XLVII of 1952, published in Extraordinary Gazette No. 198, dated 31st December, 1952.

**Added by Act No. VII of 1955, published in Gazette Extraordinary No. 56, dated 14th May, 1955.

†Substituted by Act No. X of 1953, published in Extraordinary Gazette No. 59, dated 1st May, 1953.

Revision.

15. (1) The Commissioner may in his discretion call for and examine the record of any order passed or proceeding taken by any authority, officer or person under the provisions of this Act subordinate to him and against which no appeal has been preferred to the Tribunal under section for the purpose of satisfying himself with regard to the legality or propriety of such order or with regard to the regularity of such proceeding and may pass such order in reference thereto as he thinks fit.

(2) The powers conferred by sub-section (1) may be exercised by the Commissioner *suo motu* at any time or on application preferred within six months of the passing or taking of the order or proceeding in question.

(3) No order prejudicial to the assessee shall be passed under this section unless he has been given a reasonable opportunity of being heard.

(4) Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

Appeal to the Tribunal.

**[15-A. (1) Any assessee objecting to an order passed by the appellate authority under section 14 may, if the assessee has not preferred an application for revision of the order under sub-section (1) of section 15, appeal to the Tribunal within 60 days from the date on which the order was communicated to the assessee.

(2) The Tribunal may admit an appeal preferred after the period of 60 days referred to in sub-section (1) if it is satisfied that the assessee had sufficient cause for not preferring the appeal within that period.

(3) The appeal shall be in the prescribed form, shall be verified in the prescribed manner, and shall be accompanied by such fee not exceeding one hundred rupees as may be prescribed.

(4) The Tribunal shall, after giving both parties to the appeal a reasonable opportunity of being heard, pass such order thereon as it thinks fit.

(5) Notwithstanding that an appeal has been preferred under sub-section (1), tax shall be paid in accordance with assessment made in the case:

Provided that the Tribunal may, in its discretion, permit the appellant to pay the tax in such number of instalments, or give such other directions in regard to the payment of the tax, as it thinks fit:

Provided further that, if as a result of the appeal, any change becomes necessary in such assessment, the Tribunal may authorise the assessing authority to amend the assessment, and on such amendment being made, the amount overpaid by the assessee shall be refunded to him without interest, or the further amount of tax due from him shall be collected in accordance with the provisions of this Act, as the case may be.]

**Added by Act No. VII of 1955, published in Gazette Extraordinary No. (56), dated 14th May 1955.

(6) (*a*) The Tribunal may, on the application, either of the assessee or of the Deputy Commissioner, review any order passed by it under sub-section (4) on the basis of facts which were not before it when it passed the order:

Provided that no such application shall be preferred more than once in respect of the same order.

(*b*) The application for review shall be preferred in the prescribed manner and within one year from the date on which the order to which the application relates was communicated to the applicant; and where the application is preferred by the assessee it shall be accompanied by such fee not exceeding Rs. 100 as may be prescribed.

(7) Except, as provided in the rules made under this Act, the Tribunal shall not have power to award costs to either of the parties to the appeal or review.

(8) Every order passed by the Tribunal under sub-section (4) or (6) shall be communicated by it to the assessee, the assessing authority, the authority from whose order the appeal was preferred, and the commissioner.

(9) Every order passed by the Tribunal under sub-section (4) shall, subject to the provisions of sub-section (6), be final; and every order passed by it under sub-section (6) shall be final.]

Accounts to be maintained by dealers.

16. (1) Every registered dealer and every person licensed under this Act shall keep and maintain a true and correct account showing the goods sold and bought by him and the value thereof, exempted goods and goods subject to different rates of tax being shown separately.

(2) If any dealer or person licensed under this Act does not maintain an account in accordance with sub-section (1) the assessing authority may direct him to prepare and maintain a true and correct account in such form as may be prescribed.

Certain dealers to issue bill or cash memorandum.

*[16-A. (1) Every dealer whose turnover exceeds Rs. 50,000 in any year shall, in respect of all goods sold by him, issue a bill or a cash memorandum to the purchaser, signed and dated by him or his servant, manager or agent showing such particulars as may be prescribed and shall keep the counterfoil or duplicate of such bill or cash memorandum duly signed and dated and preserve it for a period of not less than three years from such date.

(2) If any person to whom this sub-section applies contravenes the provisions of this sub-section, he shall be liable to a fine equal to double the amount of the bill or the cash memorandum in respect of which such contravention has occurred or rupees fifty whichever is less.

(3) The prescribed authority may, either before or after the institution of proceedings in respect of an offence under this section, compound any such offence.]

*Added by Act No. VII of 1955, published in Gazette Extraordinary No. 56, dated 14th May, 1955.

Powers to order production of accounts and powers of entry, inspection and seizure.

17. (1) Any officer authorised by the Government in this behalf may, for the purposes of this Act, require any dealer carrying on business in any kind of goods to produce before him any accounts or other documents, and to furnish any other information relating to such business.

(2) All accounts and registers maintained by dealers in the ordinary course of their business, the goods in their possession and their offices, shops, godowns, or vehicles shall be open to inspection at all reasonable times by any officer so authorised.

(3) If the Commissioner or a Deputy Commissioner has reason to suspect that any dealer is attempting to evade the payment or any tax due from him under this Act, he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the dealer as may be necessary, and shall grant a receipt for the same, and shall retain the same only for so long as may be necessary for examination thereof or for a prosecution.

(4) For the purposes of sub-section (2) or sub-section (3) any officer authorised in that behalf, or, as the case may be, the Commissioner or a Deputy Commissioner, may enter and search any office, shop, godown, vehicle or other place in which business is done.

Liability to tax of non-resident dealers

18. In the case of any person carrying on the business of buying or selling goods in the Hyderabad State but resident outside it (hereinafter in this section referred to as " a non-resident") the provisions of this Act shall apply subject to the following modifications and additions, namely :—

(*i*) in respect of the business of the non-resident, his agent residing in the Hyderabad State shall be deemed to be the dealer;

(*ii*) the agent of a non-resident shall be assessed to tax or taxes under this Act at the rate or rates leviable thereunder in respect of the business of such non-resident in which the agent is concerned, even if the amount of the turnover of such business is less than the minimum specified in section 3, or section 4 as the case may be ;

(*iii*) without prejudice to his other rights, any agent of a non-resident who is assessed under this Act in respect of the business of such non-resident may retain out of any moneys payable to the non-resident by the agent, a sum equal to the amount of the tax or taxes assessed on or paid by the agent.

Penalty for failure to furnish returns and for false returns.

19.‡[ ] If an assessing authority or an appellate authority in the course of any proceedings under this Act is satisfied that any person,

(*a*) has without reasonable cause failed to furnish any return required by the provisions of this Act, or

(*b*) has submited an untrue return,

such authority may direct that such person shall, pay by way of penalty, in the case referred to in clause (*a*), a sum not exceeding ‡[rupees five hundred] and in the case referred to in clause(*b*)

‡Amended by Act No. VII of 1955, published in Gazette Extraordinary No. 56, dated 14th May, 1955.

a sum not exceeding one and a half times the amount of tax which would have been avoided if the return submitted by him had been accepted as correct.

Appearance of authorised representatives.

‡[19-A. Any assessee who is entitled or required to attend before the tribunal or any Sales Tax Authority in connection with any proceedings under this Act, otherwise than when required to attend personally for examination on oath, or affirmation, may attend,—

(a) by a person authorised in this behalf being his relative or a person regularly employed by him, or

(b) by a legal practitioner, or

(c) subject to such conditions as may be prescribed by a practising Accountant or Sales Tax practising Accountant or Sales Tax practitioner who possesses the prescribed qualifications.]

Offences and prosecutions.

20. Any person, who—

(*a*) fails to submit an application for registration as required by sub-section (1) of section 10 ; or

†[(*aa*) fails to pay within the time allowed any tax assessed on him or any fee due from him, under this Act ; or]

(*b*) collects any amount by way of tax under this Act, in contravention of the provisions of sub-section (1) of section 11; or

(*c*) fails to pay the amounts specified in sub-section (2) of section 11 within the prescribed time ; or

(*d*) prevents or obstructs any inspection, entry, search or seizure by any officer authorised under section 17 to effect the same ; or

(*e*) wilfully acts in contravention of any of the provisions of this Act ;

shall, on conviction by a Magistrate of the first class, be liable to a fine which may extend to one thousand rupees, and where the offence is a continuing one to a further fine which may extend to fifty rupees for every day after the first during which the offence continues.

Composition of offences.

21. The prescribed authority may, either before or after the institution of proceedings in respect of an offence under section 20, compound any such offence.

*[Disclosure of information by public servant.

21-A. (1) All particulars contained in any statement made, return furnished, or accounts or documents produced under the provisions of this Act, or in any evidence given, or affidavit or deposition made, in the course of any proceedings under this Act (other than proceedings in a Criminal Court) or in any record of an assessment proceedings or any proceeding relating to the recovery of a demand, prepared for the purposes of this Act, shall be treated as confidential, and notwithstanding anything contained in the Hyderabad Evidence Act, II of 1313 Fasli, no

‡Amended by Act No VII of 1955, published in Gazette Extraordinary No. 56, dated 14th May 1955.

†Substituted by Act No. X of 1953, published in Gazette Extraordinary No. 59, dated 1st May, 1953.

*As amended by Act No. XXXII of 1950.

court shall, save as provided in this Act be entitled to require any public servant to produce before it any such return, account, document or record or any part of such record or to give evidence before it in respect thereof.

(2) If, save as provided in sub-section (3), a public servant discloses any particulars contained in any such statement, return accounts, document, evidence, affidavit, deposition or record, he shall be punishable with imprisonment which may extend to six months, and shall also be liable to fine.

(3) Nothing contained in this section shall apply to the disclosure—

(*a*) of any such particulars for the purpose of a prosecution under the Hyderabad Penal Code, in respect of any such statement, return accounts, document, evidence, affidavit or deposition or for the purposes of a prosecution under this Act ; or

(*b*) of any such particulars to any person acting in the execution of this Act where it is necessary to disclose the same to him for the purposes of this Act ; or

(*c*) of any such particulars occasioned by the lawful employment under this Act or any process for the service of any notice or the recovery of any demand ; or

(*d*) of any such particulars to a Civil Court in any suit to which the Government is a party which relates to any matter arising out of any proceeding under this Act ; or

(*e*) of any such particulars to any officer appointed to audit receipts or refunds of the tax imposed by this Act ; or

(*f*) of any such particulars relevant to any inquiry into the conduct of an official of the Sales Tax Department to any persons appointed to hold such inquiry ; or

(*g*) of such facts to an officer of the Central Government as may be necessary for the purpose of enabling that Government to levy or realise any tax or duty imposed by it; or

(*h*) of any such particulars occasioned by the lawful exercise by a public servant of his powers under the Hyderabad Stamp Act, 1331 Fasli to impound an insufficiently stamped document ; or

(*i*) of such facts to any person charged by law with the duty of enquiring into the qualifications of electors, as may be necessary to establish whether a person is or is not entitled to be entered on an electoral roll ; or

(*j*) of any such particulars relevant to an inquiry into a charge of misconduct in connection with sales-tax proceedings against a lawyer or accountant to the authority empowered to take cognizance of such charge ; or

(*k*) of any such particulars to any assessee or his legal representative as may be necessary to furnish copies of documents or statements submitted by the assessee under this Act and to establish the correctness thereof.

Assessments etc., not to be questioned in courts.

22. The validity of the assessment of any tax or of the levy of any fee or other amount, made under this Act, or the liability of any person to pay any tax, fee, or other amount so assessed or levied shall not be questioned in any criminal court in any prosecution or other proceeding, whether under this Act or otherwise.

Bar of suits.

23. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act, without the previous sanction of the Governmet.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

Limitation for certain suits and prosecutions.

24. No suit shall be instituted against the Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

Application of certain provisions to casual traders and agents deemed to be dealers.

25. (1) Such provisions of this Act as are expressed to apply to, or in respect of, dealers shall, so for as may be, apply also, subject to such modifications and exceptions as may be prescribed, to and in respect of casual traders.

(2) The application of such provisions as aforesaid to and in respect of an agent deemed by clause (*i*) of sub-section (1) of section 18 to be a dealer shall be subject to such modifications and exceptions as may be prescribed.

Power to make rules.

26. (1) Government may make rules to carry out the purposes of this Act.

* [Provided that the rules shall be laid on the table of the house.]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the grant of licenses under **[sections 6, 8 or 9] including the fees, if any, payable for the same and the conditions thereof;

(*c*) the assessment to tax under this Act of businesses which are discontinued or the ownership of which has changed;

(*d*) the assessment to tax under this Act of businesses owned by minors and other incapaciated persons or by persons residing outside the Hyderabad State;

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* Added by Act No, VII of 1955, published in Gazette Extraordinary No. 56 dated 14th May, 1955.

**As amended by Act No. X of 1953, published in Gazette Extraordinary No. 59, dated 1st May, 1953.

(*e*) the assessment of a business owned by any person whose estate or any portion of whose estate is under the control of the Court of Wards, the Administrator-General, the Official Trustee, or any receiver or manager appointed by or under any order of a court;

(*f*) the assessment to tax under this Act of any turnover which has escaped assessment, and the period within which such assessment may be made, provided that such period shall not exceed three years from the end of the year for which the turnover was assessable;

(*g*) the rectification of mistakes apparent from the record of any assessment, appeal or revision and the period within which such rectification may be made;

(*h*) compelling the submission of returns and the production of documents and enforcing the attendance of persons and examining them on oath or affirmation;

(*i*) securing that returns furnished or accounts or documents produced or evidence of any kind given under this Act before any assessing authority or an appeal or revision from any decision of such authority are kept confidential;

(*j*) the duties and powers of officers appointed for the purpose of enforcing the provisions of this Act;

(*k*) generally regulating the procedure to be followed and the forms to be adopted in proceedings under this Act;

*[(*k*1) prescribing fees incidental to the disposal of a appeals, applications for revision and any other application or petition filed before the Commissioner, the Deputy Commissioner and the Sales Tax Officer;]

**[(*k* 2) the term of office and the conditions of service of the members of the Tribunal;

**(*k* 3) the circumstances in which, and the extent to which, fees paid in pursuance of section 15–A may be refunded; and"]

(*l*) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of Government, necessary for giving effect to the purposes of this Act.

(3) In making a rule under this section Government, may provide that a person guilty of a breach thereof shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to one thousand rupees, and, where the breach is a continuing one, with further fine which may extend to fifty rupees for every day after the first during which the breach continues.

(4) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

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*Substituted by Act No. XLVII of 1952, published in Gazette Extraordinary No. (198), dated 31st December, 1952.

** Added by Act No. VII of 1955, published in Gazette Extraordinary No, 56, dated 41th May, 1955.

(5) All rules made under this section shall be published in the Jarida, and upon such publication shall have effect as if enacted in this Act.

Operation of Act 3 of 1357 F.

27. (1) Nothing in this Act shall affect the application of the Luxury Sales Tax Act, 1357 F. (hereinafter in this section and in section 28 referred to as the said Act) to the assessment and levy of the tax imposed by the said Act in respect of the years 1357 F. and 1358 F. and to all matters arising therefrom.

(2) In respect of the period from the 1st day of October, 1949 to the 30th day of April, 1950 all the provisions of the said Act shall have effect as if—

(*a*) references in the said Act to a year were references to the period aforesaid;

(*b*) the reference to one thousand rupees in the first proviso to sub-section (1) of section 3 of the said Act were a reference to five hundred and eighty-three rupees; and

(*c*) the reference to ten thousand rupees in the second provision to the said sub-section were a reference to five thousand eight hundred and thirty-three rupees.

(3) Save as provided in sub-sections (1) and (2) the said Act shall cease to have effect.

Power to remove difficulties.

28. If any difficulty arises in giving effect to the provisions of this Act, or of the said Act as operative by virtue of section 27 of this Act, Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

*[SCHEDULE I.

[Section 2 (*f*)]

Exempted Goods.

1. Oats, barley, ears of maize (green) and rajgira (Amaranathus).

2. **[Deleted.]

3. Vegetables (green or dried), potatoes, eggs, meat and fish (except when sold in sealed containers).

4. Gur including bura sugar.

5. Salt.

6. Fresh milk, curds, butter-milk and butter (except when sold in sealed containers).

7. Agricultural machinery and all kinds of Indian made spare parts of mechanically propelled vehicles relating to agriculture.

8. Agricultural implements.

9. Grass, hay, straw and kadbi (stalks of jowar and maize.)

10. Electrical energy.

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*Substituted by Act No. XXVIII of 1954, published in Gazette Extraordinary No. (174), dated 1st October 1954.

**Deleted by Act No. XIII of 1956, published in Gazette Extra-Ordinary No. 109, D/6-6-56.

11. Cotton cloth woven on handlooms exclusively out of handspun yarn and articles made of such cloth and sold by persons certified by All-India Spinners' Association and dealing exclusively in these commodities.

12. Handloom cloth other than that specified in item No. 11 costing less than Rs. 3 per yard.

13. Charkhas and their parts, slivers and gutts.

14. School exercise and drawing books.

15. All text-books approved by the Director, Public Instruction.

16. Motor spirit as defined in the Hyderabad Sales of Motor Spirit Taxation Regulation, 1358 Fasli.]

17. *[Sendhi.—As defined in clause (5) of section 2 of the Hyderabad Abkari Act, 1316 Fasli (I of 1316 Fasli)].

18. †Omitted

19. ‡Omitted

20. Fertilizers including—
(*i*) Ammonium Sulphate.
(*ii*) Ammonium Phosphate.
(*iii*) Ammonium Nitrate.
(*iv*) Bone Sulpher Phosphate.
(*v*) Mineral Phosphate.
(*vi*) Nitrate of Soda.
(*vii*) Gypsum.
(*viii*) Nitrate of Potash.
(*ix*) Bone meal.
(*x*) Fish meal.

and excluding all kinds of oil cakes.

**[SCHEDULE II.

[Sections 3 (2) and 4 (2)]

Goods on which an additional tax is leviable.

1. (*a*) Motor vehicles including motor cars, motor taxi, cabs, motor cycles and cycle combinations, motor scooters-motorettes, motor omnibuses, motor vans and motor lorries;

(*b*) Chassis of motor vehicles;

(*c*) Component parts of motor vehicles;

Articles (including rubber and other tyres and tubes and batteries) adapted for use as parts or accessories of motor vehicles not being such articles as are ordinarily also used for other purposes than as part or accessories of motor vehicles.

**Substituted by Act No. XXVII of 1952, published in Gazette Extraordinary No. 126, dated 25th July 1952.

* Substituted by Act No. VII of 1955, published in Gazette Extraordinary No. 56 Dated 14th May, 1955.

†Omitted by Act No. VII of 1955, publishd in Gazette Extraordinary No. 56 dated 14th May, 1955.

‡Omitted by Act XIII of 1956, published in Gazette Extraordinary No. 109 dated 6th June, 1956.

2. Refrigerators and air-conditioning plants.

3. (*a*) Wireless reception instruments and apparatus and component parts thereof, including all electrical valves, accumulators, amplifiers and loudspeakers which are not specially designed for purposes other than wireless reception.

(*b*) Radio gramophones.

4. (*a*) Cinematographic, photographic and other cameras, projectors and enlargers; lenses and other parts and accessories of such cameras, projectors and enlargers and film, plates, paper and cloth required for use therewith.

(*b*) Binoculars and opera glasses.

5. All electrical goods, instruments, apparatus and appliances including fans and lighting bulbs, electrical earthenware and porcelain, and all other accessories.

6. Any pen, pencil or pen and pencil set sold for Rs. 12 or more.

7. All clocks, time-pieces and watches; and parts thereof

8. Gramophones of every description, gramophone records and needles including accessories and the spare parts thereof.

†[9. Silks including artificial silks and all silk goods but excluding silk thread and silk woven on handloom costing less than Rs. 6 per yard.]

10. Perfumery cosmetics and all toilet articles, excluding washing soaps.

11. Fireworks;

12. Cigars, cheroots, pipe tobacco and tinned tobacco used in cigarettes and paper-loose, *[cigarettes costing more than two annas per packet of ten cigarettes.]

13. Rifles, revolvers, pistols and ammunition for the same.

14. All goods manufactured with or of sandalwood or ivory.

15. Silk carpets or woollen carpets.

16. Woollen goods, woollen rugs and shawls costing Rs. 15 or more including woollen and cotton mixtures.

17. Plastics, celluloid and bakelite goods and goods made of similar substances.

18. Sanitary fittings of every description excluding stoneware, cement, iron pipes and fittings respectively.

19. Upholstered furniture, tubular, iron and steel furniture of every description including safes and treasure-chests.

20. Vacuum flasks of every description including hot water, ice and food jars and ice boxes or containers.

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†Added by the Act No. XLVII of 1952, published in the Extraordinary Gazette No. 198, dated the 31st December 1952.

*Amended by Act No. X of 1953.

21. Musical instruments of every description including accessories and spare parts of every description.

22. Tiles used for decoration purposes.

23. Cigarette and cigar cases, cigarette pipes and lighters.

24. Articles of every description manufactured from foreign electroplate, nickel, German silver or stainless steel except accessories and component parts of bi-cycles.

25. Playing cards of every description.]

26. *[Deleted]

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*Deleted by Act No. XIII of 1956, published in Gazette Extraordinary No. 109, dated 6th June, 1950.

THE HYDERABAD GENERAL CLAUSES (AMENDMENT AND SUPPLEMENTARY) ACT, 1950.

No. XVIII OF 1950.

CONTENTS.

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2. Definitions.

3. Application of Hyderabad General Clauses Act.

4. Rules of constructions applicable to certain enactments.

5. Amendment and repeal.

*THE HYDERABAD GENERAL CLAUSES (AMENDMENT AND SUPPLEMENTARY) Act, 1950.

No. XVIII of 1950.

The following Act received the assent of H.E.H. the Nizam on 2nd May, 1950 and is hereby published for general information :—

Whereas it is expedient to determine the extent of application of the Hyderabad General Clauses Act (III of 1308 F.) and to make special provision for the construction of certain Hyderabad laws ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Hyderabad General Clauses (Amendment and Supplementary) Act, 1950.

(2) It shall come into force at once.

Definitions.

2. In this Act unless, there is anything repugnant in the subject or context—

(*a*) " Constitution " means the Constitution of India ;

(*b*) " Hyderabad Act " means—

(*i*) an Act of the legislature established for the Hyderabad State by the Constitution, including an Act made under article 212-A thereof, and

(*ii*) an Act made before the commencement of the Constitution by the Legislative Council or the Legislative Assembly in existence in the Hyderabad State at the time of the making of the Act ;

(*c*) " Hyderabad Regulation " means—

(*i*) a regulation including an A'in, made by H. E.H. the Nizam before the 18th day of September 1948, and

(*ii*) a regulation made by H. E. H. the Nizam, the Military Governor or the Chief Minister on or after the said date but before the commencement of the Constitution.

Application of Hyderabad General Clauses Act.

3. Save as provided in section 4, the provisions of the Hyderabad General Clauses Act (III of 1308 F.) as respects the construction of acts and of orders, rules and forms made thereunder shall apply, and be deemed always to have been applied, in respect of the construction of all Hyderabad acts and Hyderabad regulations and of orders, rules and forms made thereunder.

*Published in Jarida No, 83, dated 15th May, 1950.

Rules of constructions applicable to certain enactments.

4. In all Hyderabad acts of the description mentioned in sub-clause (*i*) of clause (*b*) of section 2 and in all Hyderabad regulations of the description mentioned in sub-clause (*ii*) of clause (*c*) of section 2, unless there is anything repugnant in the subject or context :—

(*a*) " government " or " the government " means the State Government as defined in clause (60) of section 3 of the General Clauses Act, 1897 (India Act X of 1897);

(*b*) " financial year, " " month " and " year " have the meaning respectively assigned to them in clauses (21), (35) and (66) of the said section 3.

Amendment and repeal.

5. Section 24 of the Hyderabad General Clauses Act (III of 1308 F.) shall be omitted and the Hyderabad General Clauses Act (Amendment) Regulation, 1358 F. (XIX of 1358 F.) shall be repealed.

THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950.

No. XXI OF 1950.

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*THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950.

No. XXI OF 1950.

WHEREAS it is expedient to amend the law regulating the relations of landholders and tenants of agricultural land and the alienation of such land ;

AND WHEREAS it is also expedient to enable land holders to prevent the excessive subdivision of agricultural holdings, to empower Government to assume in certain circumstances the management of agricultural lands, to provide for the registration of Co-operative Farms and to make further provision for matters incidental to the aforesaid purposes ;

IT is hereby enacted as follows :--

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands Act, 1950.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force at once.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " Agriculture " with its grammatical variations and cognate expressions includes :—

(*i*) horticulture,

(*ii*) the raising of crops, grass or garden produce,

(*iii*) dairy farming [†],

(*iv*) poultry farming and stock breedings,† [and]

†[(*v*) grazing] ;

but does not include the cutting of wood only ;

(*b*) " Agriculturist " means a person who cultivates lands personally ;

(*c*) " Agricultural land " means land which is used or is capable of being used for agriculture †[or reserved for growing forests] and includes--

(*i*) fallow land,

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* Published in the Gazette Extraordinary No. 54, dated 10th June, 1950.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

(*ii*) the sites of farm buildings appurtenant to agricultural land, and

(*iii*) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses ;

†[(*cc*) "Basic Holding" means a holding the area of which is equal to one-third of the area of the family holding determined under section 4 for the local area concerned];

†[(*d*) "Consolidation of holdings" means the forming of a compact block for a number of scattered plots by redistribution and exchange of holdings or portions thereof in a village or a group of villages ;

†[(*dd*) "Co-operative Society" means a society registered under the provisions of the † Hyderabad Co-operative Societies Act, 1952, or a society deemed to have been registered under the said Act];

(*e*) "Co-operative Farming Society" means a Society registered as such under the † Hyderabad Co-operative Societies Act, 1952 ;

(*f*) "To cultivate" means to carry on any agricultural operation ;

(*g*) "To cultivate personally" means to cultivate on one's own account—

(*i*) by one's own labour, or

(*ii*) by the labour of any member of one's family, or

†[(*iii*) by servants on wages payable in cash or kind, but not in crop share or by hired labour under one's personal supervision, or the personal supervision of any member of one's family];

Explanation.—In the case of an undivided Hindu Family, land shall be deemed to be cultivated personally, if it is cultivated by any member of such family ;

†[(*h*) "Family Holding" means a holding the area of which is equal to the area determined for any class of land under section 4 as the area of a family holding for the class of land of which the holding consists in the local area in which it is situate ;

†(*hh*) "Fragment" means a plot of land of any class the area of which is less than the area of a basic holding determined for that class of land for the local area concerned];

(*i*) "Improvement" means with reference to any land, any work which adds to the value of the land and which is suitable thereto as also consistent with the purpose for which it is held ; and includes—

(*i*) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes ;

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

(*ii*) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water ;

(*iii*) the reclaiming, clearing, enclosing, levelling or terracing of land ;

(*iv*) the erection of buildings on the land required for the convenient or profitable use of such land for agricultural purposes ; and

(*v*) the renewal or reconstruction of any of the foregoing works and such alterations therein or additions thereto as are not of the nature of ordinary repairs ;

but does not include such clearances, embankments, levelling enclosures, temporary wells, water channels and other works as are commonly made by tenants in the ordinary course of agriculture ;

(*j*) " Land " means agricultural land whether alienated or unalienated ; and includes land used for purposes subservient to agriculture and all benefits arising out of such land and things thereon attached to the earth, or permanently fastened to anything attached to the earth ;

(*k*) " Land Revenue Act " means the Hyderabad Land Revenue Act, (VIII of 1317 F.) ;

(*l*) " Lease " includes the counterpart of a lease and a sub-lease ;

(*m*) " Local area " means an area specified as such in a notification issued under section 3 ;

(*n*) " Person " includes an undivided Hindu Family ;

*[(*o*) "permanent alienation " includes any sale, exchange or gift and any transfer of a right of occupancy or of the patta of a holding but does not include any disposition by will;]

(*p*) " prescribed " means prescribed by rules made under this Act ;

†[(*q*) omitted];

(*r*) " Protected tenant " means a person who is deemed to be a protected tenant under the provisions of sections 34 to 37;

(*s*) " Reasonable rent " means the rent determined under section 17 ;

(*t*) " Rent " means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but does not include the rendering of any personal service or labour ;

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* Amended by Act No. XXIII of 1951, published in Gazette Extraordinary No. 32 dated 30th June, 1951.

† Omitted by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated 4th February, 1954.

(*u*) ' Tenancy " means the relationship of land holder and tenant ;

(*v*) " Tenant " means an asami shikmi who holds land on lease and includes a person who is deemed to be a tenant under the provisions of this Act ;

(*w*) " Tribunal " means—

(*i*) the Agricultural Lands Tribunal constituted under sub-section (1) of section 87 for the area concerned ;

(*ii*) where no such Tribunal has been constituted, the Deputy Collector or other officer authorised under sub-section (4) of the said section ;

†[(*x*) "Village Panchayat " means a panchayat constituted under the Hyderabad Village Panchayat Act, 1951];

(*y*) " Year " means any year ending on the 30th day of June or on such other date as Government may, by notification in the Jarida, appoint for any area ;

(*z*) Words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Hyderabad Land Revenue Act, (VIII of 1317 F.).

(2) In any provision of this Act which is expressed by whatever form of words to have effect notwithstanding anything contained in any other law, the reference to any other law shall be read as including only laws with respect to matters enumerated in List II in the Seventh Schedule to the Constitution of India.

CHAPTER II.

†[*Family Holdings.*]

Specification of local areas.

3. Government may by Notification in the Jarida specify and delimit areas each of which shall constitute a local area for the purposes of this Chapter.

Determination of area of Family Holdings.

†[4. (1) Subject to and in accordance with the provisions of this section the Government shall determine in the manner prescribed for all or any class of land in any local area, the area of a family holding which a family of five persons including the agriculturist himself, cultivates personally according to local conditions and practices and with such assistance as is customary in agricultural operations and which area, will yield annually a produce the value of which, after deducting fifty per cent. therefrom as cost of cultivation, is Rs. 800 according to the price levels prevailing at the time of determination.

(2) The Government shall determine the extent of land which shall be regarded as a family holding for each class in each kind of soil in all the local areas which may be determined for the State subject to the limits specified below, shall notify in

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

the Jarida the ' local areas ' and the extents so determined not later than six months from the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, comes into force and shall lay a copy of the Notification before the Legislative Assembly if it is in session, and if it is not in session when it next reassembles.

Limits :—(1) Wet land—Single Crop each year, all kinds of soils :

(*a*) Classification of 8 annas or above	.. 6 Acres
(*b*) All other classes ..	.. 9 Acres
(2) Dry Land :	
(*a*) Black Cotton or laterite soils :	
(*i*) Class I with soil classification of 8 annas or above	.. 24 Acres.
(*ii*) All other classes ..	.. 36 Acres.
(*b*) Chalka soils :	..
(*i*) Class I with soil classification of 8 annas or above	.. 48 Acres.
(*ii*) All other classes ..	.. 72 Acres.

Provided that the Government may, by general or special order direct that the limits of the family holdings specified in this sub-section, shall for any local area be varied if the Government is satisfied that such variation is necessary or expedient for ensuring that the value of produce after deducting fifty per cent. therefrom as cost of cultivation is Rs. 800.]

CHAPTER III.

TENANTS.

General Provisions.

Persons deemed to be tenants.

5. A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the landholder and if such person is not—

(*a*) a member of the landholder's family, or

†[(*b*) a servant on wages payable in cash or kind, but not in crop share or a hired labourer cultivating the land under the personal supervision of the landholder or any member of the landholder's family, or]

(*c*) a mortgagee in possession :

Provided that if upon an application made by the landholder within one year from the commencement of this Act to the Tahsildar within whose jurisdiction the land is situate—

(*a*) the Tahsildar declares that such person is not a tenant and his decision is not reversed on appeal or revision, or

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated, 4th February, 1954.

(*b*) the Tahsildar refuses to make such declaration but his decision is reversed on appeal or revision,

such person, shall not be deemed to be a tenant:

*[Provided further that a sub-tenant cultivating any land belonging to another person on the day on which the Hyderabad Tenancy and Agricultural Lands (Second Amendment) Act, 1951, came into force shall, not withstanding the fact that the creation of the sub-tenancy might have been prohibited by any law for the time being in force, be deemed to be lawfully cultivating the land as a tenant for the purposes of this section.

General prohibition of leases after three years from commencement of Act.

6. After the expiry of three years from the commencement of this Act, no land shall, save as provided in section 7, be leased for any period whatsoever and, save as aforesaid, no tenancy shall be created in respect of any land.

Special cases in which leases are permitted.

†[7. (1) (*a*) Notwithstanding anything contained in section 6, a landholder holding land the area of which is equal to or less than three times the area of the family holding for the local area concerned may lease the land held by him:

Provided that every such lease notwithstanding any agreement to the contrary shall be for a period of five years and at the end of the said period and thereafter at the end of each period of five years in succession, the tenancy shall, subject to the provisions of clauses (*b*) and (*c*) be deemed to be in force for a further period of five years on the same terms and conditions except to the extent that a modification therefor consistently with this Act is agreed to by both parties.

(*b*) The land holder may by giving the tenant at least one year's notice in writing before the end of each of the periods referred to in clause (*a*) terminate, subject to the provisions of section 45, the tenancy in the last year of each of the said periods if he requires the land for cultivating personally:

Provided that the area of the land, the tenancy of which can be so terminated, shall not exceed one family holding for each adult worker in a family.

(*c*) Notwithstanding anything contained in clause (*a*) such tenancy shall, subject to the provisions of sections 27 and 28, be liable to be terminated by the landholder or the tenant on any of the grounds and in the manner provided in section 19.

(2) Notwithstanding anything contained in sub-section (1) and in section 6, a landholder who—

(*a*) is a minor or a female,

(*b*) is permanently incapable of cultivating land by reason of any physical or mental infirmity,

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* Amended by Act No. XXIII of 1951, published in Gazette Extraordinary No. (82), dated 30th June, 1951.

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

(*c*) is serving in the Naval, Military or Air Forces of India,

(*d*) is temporarily prevented by any sufficient cause from cultivating land,

may, after three years from the commencement of this Act, with the permission of the Collector, lease the land held by him for such period as the Collector may fix:

Provided that where the land is held jointly by more than one person, the provisions of this sub-section shall not apply unless all such persons are subject to any disability specified in clause (*a*), (*b*), (*c*) or (*d*):

Provided further that where such disability ceases, by reason of the death of the landholder or otherwise before the expiry of the period of lease fixed by the Collector, the lease shall be terminated within such period as the Collector may appoint.]

Period of leases made within 3 years of commencement of Act.

8. Every lease made within three years from the commencement of this Act shall be for a period of ten years, and not withstanding that it may be expressed to be a lease for a longer or a shorter period shall be deemed to be, and shall have effect as, a lease for ten years:

*[Provided that a landholder who is temporarily prevented by any sufficient cause from cultivating the land may, with the permission of the Collector, lease the land for such period less than 10 years as the Collector may fix.]

Copy of lease to be filed before a Tahsildar.

†[9. Every lease made under section 7 or 8 shall be in writing and the landholder shall and the tenant may file a copy there of in the office of the Tahsildar within thirty days of the date on which the lease is executed.

Summary ejectment of a person in possession of land under void lease.

†10. If in respect of any land a lease is made otherwise than in conformity with the provisions of section 6 or section 9, the Collector may summarily eject any person in possession of the land under such lease if, in his opinion it is necessary to do so to protect the interest of any tenant who previously held the land.

Maximum rent.

†11. (1) Notwithstanding any agreement or usage or any decree or order of the Court, or any law to the contrary, the maximum rent payable by a tenant for a lease in respect of the following classes of land shall be the multiples of the land revenue for the time being in force or if no land revenue is in force the

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*Added by Act No. XXIII of 1951, published in Gazette Extraordinary No. (32), dated 30th June, 1951.

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

land revenue which may be assessed thereon, as shown here under against them—

(*a*) Dry land of Chalka soil	.. 4 times the land revenue.
(*b*) Dry land of Black Cotton Soil	.. 5 times the land revenue.
(*c*) Baghat	.. 5 times the land revenue.
(*d*) Wet land—	
(*i*) Irrigated by wells	.. 3 times the land revenue.
(*ii*) Irrigated by other sources	. 4 times the land revenue.
(*e*) Classes of land which do not fall within the clause (*a*), (*b*), (*c*) or (*d*):	Reasonable rent determined having regard to the classes of land and the rent fixed for the said categories.

Explanation I.—Lands irrigated by wells which are assessed as dry shall be deemed to be wet lands for purposes of this section.

Explanation II.—In the former Non-Diwani areas which have not yet been settled or resettled, the multiples of land revenue payable as rent shall be calculated on the land revenue prevailing in the adjoining Diwani areas :

Provided that only the landholder shall be liable for the payment of the land revenue to the Government and in case the tenant pays the same to the Government he shall be entitled to deduct the same from the rent payable by him :

Provided further that where on any land special improvements have been made by the landholder, such as sinking a well, the tribunal may in respect of such land fix any higher multiple of land revenue as the rent payable therefor.

(2) When the land revenue of any land is revised, suitable adjustments in the multiples of land revenue payable as rent under sub-section (1) may also be effected on the application of the landholder or the tenant or by the Government on its own motion.

Rent.

†12. The rent payable by a tenant shall, subject to the provisions of sections 11 and 13 be the rent agreed upon between such tenant and his landholder or in the absence of such agreement the rent payable according to the usage of the locality or if there is no such agreement or usage, or where there is dispute as regards the reasonableness of the rent payable according to such agreement or usage, the reasonable rent :

Provided that such reasonable rent shall not in any case exceed one-fourth in the case of irrigated land except land under wells and one-fifth in the case of all other classes of land of the value of the average annual produce of the land, excluding

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

fodder, during the three years immediately preceding the year in which the dispute arises.

Liability to payment.

†13. (1) With effect from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, a tenant shall not be liable to pay the rent at any rate exceeding that specified in section 11 subject to any application to the Tribunal as to the assessment of rent payable under section 12.

(2) The rent due shall be payable by the tenant at the rate fixed in accordance with the provisions of sections 11 and 12 and the tenant will have the option to pay the rent in cash so fixed or in equivalent produce grown on the land estimated according to the market value thereof.]

Prohibition for receiving rent in terms of labour.

14. (1) Any landholder receiving rent from any tenant in terms of service or labour shall within twelve months from the commencement of this Act apply to the Tahsildar in the prescribed form for commutation of such rent into a cash rent.

(2) On receipt of an application under sub-section (1) the Tahsildar shall, after holding an enquiry, by an order in writing commute such rent into a cash rent.

(3) Notwithstanding any agreement or usage, or any decree or order of a Court or any law to the contrary, no landholder shall recover or receive rent in terms of service or labour after a period of twelve months from the commencement of this Act.

Refund of rent recovered in contravention of the provisions of the Act and other penalties.

15. If any landholder recovers rent from any tenant in contravention of the provisions of Section 11, 12, 13 or 14, he shall forthwith refund to the tenant the excess amount recovered and shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar in this behalf and shall also be liable to such penalty as may be prescribed.

Abolition of all cesses, etc.

16. Notwithstanding any agreement, usage or law, it shall not be lawful for a landholder to levy any cess, rate, tax or service of any description or denomination whatsoever, from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

Enquiries as regards reasonable rent.

17. (1) For the determination of the reasonable rent of any land the tenant or his landholder may apply in writing to the Tribunal in the prescribed form.

(2) On receipt of an application under sub-section (1) the Tribunal shall give notice to the landholder or to the tenant, as the case may be, and after holding an enquiry, shall determine the reasonable rent of the land.

(3) In determining the reasonable rent regard shall, subject to the provisions of section 11, be had to the following factors :—

(*a*) the rental values of lands used for similar purposes in the locality ;

†Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

(*b*) the profits of agriculture of similar lands in the locality ;

(*c*) the prices of crops and commodities in the locality ;

(*d*) the improvements made in the land by the landholder or tenant ;

(*e*) the assessment payable in respect of the land ; and

(*f*) such other factors as may be prescribed.

(4) A tenant may at any time during the pendency of proceedings under this section deposit with the Tribunal, or if an appeal from the Tribunal's order has been filed under sub-section (1) of section 90, with the Collector, a sum equal to the amount of the rent which if no proceedings had been instituted under this section he would have been liable to pay in respect of the land of which the reasonable rent is to be determined. On the completion of proceedings the Tribunal or the Collector, as the case may be, shall direct that the amount so deposited or such part of it, as is equal to the amount determined as reasonable rent under this section shall be paid to the landholder and shall make such other orders as may be necessary.

(5) Every determination of reasonable rent under this section shall remain in force for a period of five years from the date of* [the Tribunal's order] under sub-section (2) or, if an appeal therefrom is filed, from the date of the Collector's order on such appeal, and shall not be called in question during that period :

Provided that the Tribunal or the Collector, as the case may be, may during the said period—

(*a*) reduce the rent if on an application made by the tenant the Tribunal or the Collector is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation ; or

(*b*) enhance the rent if on an application made by the landholder the Tribunal or the Collector is satisfied that on account of any improvement made in the land by or at the expense of the landholder the produce of the land has been increased.

Suspensions or remissions of rent.

18. (1) Notwithstanding anything contained in section 73 of the Land Revenue Act, whenever for any cause the payment of the whole land revenue payable by a landholder in respect of any land is suspended or remitted, the landholder shall suspend or remit, as the case may be, the payment to him of the whole of the rent of such land by the tenant. If in the case of any land payment of the land revenue is partially suspended or remitted, the landholder shall suspend or remit a proportionate amount of the rent payable in respect of such land by the tenant.

* Substituted by Act No. XIII of 1951, published in Gazette Extraordinary No. (18), dated 31st March, 1951.

(2) If no land revenue is payable in respect of any land and if for any cause, the payment of the whole or any part of the land revenue payable in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Collector shall, subject to the general or special orders of Government, suspend or remit, as the case may be, the payment to the landholder of the whole or part of the rent due in respect of such first mentioned land.

(3) No application †[under sub-section (2) of section 28;] shall be entertained, no suit shall lie and no decree of a Civil Court shall be executed for recovery by a landholder of any rent the payment of which has been remitted or is for the time being suspended under this section, and any period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed or any suit or proceeding for the recovery of such rent.

(4) Notwithstanding anything contained in †[sub-section (2) of section 28], the †[Tahsildar] shall, in passing an order under the †[said sub-section] for rendering assistance to the landholder, allow to the tenant a set-off of the sum, if any, paid by such tenant to the landholder in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (1) or sub-section (2) of this section or under section 73 of the †[Land Revenue Act]:

Provided that such set-off shall be allowed in respect only of the sum paid by the tenant to the landholder during a period of three years immediately preceding the date of the application made under †[sub-section (2) of section 28].

(5) If any landholder fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention thereof, and on the application of the tenant, the Tahsildar may, after due enquiry, make an order for the refund of such amount.

Termination of tenancy.

19. (1) Notwithstanding any agreement or usage or any decree or order of a Court of law, but subject to the provisions of sub-section (3), no Tenancy of land shall be terminated before the expiration of the period for which the land is leased or deemed to be leased otherwise than—

†[(*a*) by the tenant by surrender of his rights to the landholder at least a month before the commencement of the year:

Provided that such surrender is made by the tenant in writing and is admitted by him before and is made in good faith to the satisfaction of the Tahsildar; or

Provided further that where the land is cultivated jointly by joint tenants or members of an undivided Hindu family, unless the surrender is made by all of them, it shall be ineffective in

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

respect of such joint tenants as have not joined in the application for surrender, irrespective of the fact that the names of all the joint tenants are not mentioned in the certificate] ;

(*b*) by the landholder on a ground specified in sub-section (2).

(2) The landholder may terminate a tenancy on the ground that the tenant--

(*a*) (*i*) has failed to pay in any year, within fifteen days from the day fixed under the Land Revenue Act for the payment of the last instalment of †[land revenue due for the land concerned in that year], the rent of such land for that year ; or

(*ii*) if an application for the determination of reasonable rent is pending before the Tribunal or the Collector under section 17, has failed to deposit within 15 days from the aforesaid date with the Tribunal or the Collector, as the case may be, a sum equal to the amount of rent which he would have been liable to pay for that year if no such application had been made ; or

(*iii*) in case the reasonable rent determined under section 17 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Tribunal or the Collector, as the case may be ; or

(*b*) has done any act which is destructive or permanently injurious to the land ; or

(*c*) has sub-divided the land ; or

(*d*) has sub-let the land or failed to cultivate the land personally, or has assigned any interest therein ; or

(*e*) has used such land for a purpose other than agriculture :

†[Provided that no tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this sub-section unless the landholder gives six months' notice in writing intimating his decision to terminate the tenancy and the grounds for such termination] : and

Provided †[further] that the tenancy of a tenant who--

(*a*) is a female or a minor, or

(*b*) is subject to physical or mental disability, or

(*c*) is serving in the Naval, Military or Air Forces of India,

shall not be determined on the ground only that the land comprised in the tenancy has been sub-let by or on behalf of such tenant.

(3) The tenancy of a tenant holding a lease to which section †[7 or] 8 applies shall terminate—

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

‡[(*a*) Omitted;]

(*b*) where the landholder is a person who, having served in the Naval, Military or Air Forces of India, in good faith requires the land for personal cultivation on the termination of such service, on the expiration of the year in which such person gives notice in writing to the tenant that the tenancy is terminated ; or

(*c*) on the first day of March, 1951 in a case in which a person deemed under section 34 to be a protected tenant is entitled under section 36 to recover possession of the land on that day.

Bar to eviction from dwelling house.

20. (1) If in any village, a tenant is in occupation of a dwelling house on a site belonging to his landholder, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment), unless—

(*a*) the landholder proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title, and

(*b*) such tenant makes a default in the payment of the rent, if any, which he has been paying for the use and occupation of such site.

(2) The provisions of sub-section (1) shall not apply to a dwelling house which is situate on any land used for the purposes of agriculture the tenancy of which has been terminated under sub-section (1) of section 44.

Tenant to be given first option of purchasing site on which he has built a dwelling house.

21. (1) If the landholder of a site referred to in section 20 intends to sell such site, such tenant at the expense of whom or whose predecessor-in-title, a dwelling house is built thereon, shall be given in the manner provided in sub-section (2) the first option of purchasing the site at a value determined by the Tribunal.

(2) The landholder intending to sell such site shall give notice in writing to the tenant requiring him to state within three months from date of service of such notice whether he is willing to purchase the site.

(3) If within the said period the tenant intimates in writing to the land-holder that he is willing to purchase the site, the landholder shall make an application to the Tribunal for the determination of value of the site. On receipt of such application the Tribunal, after giving notice to the tenant and after holding enquiry, shall determine the value of the site, and shall by an order in writing, require the tenant to deposit the amount of value so determined within three months form the date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landholder and the Tribunal shall, on payment of the prescribed fees, grant a certificate in the prescribed form to the tenant specifying therein the site so transferred and the name of the tenant.

‡ Omitted by Act No. XXIII of 1951, published in Gazette Extraordinary No. (32), dated 30th June 1951.

†[(4) If in respect of a site which a landholder offers to sell to the tenant under the provisions of sub-section (1) the value payable therefor by the tenant is agreed to between him and the land-holder either the land-holder or the tenant or both jointly may apply to the Tribunal and thereupon the Tribunal shall on the payment of the prescribed fees grant a certificate in the prescribed form. The value that is so agreed upon shall be deemed to be the value determined by the Tribunal for the purposes of sub-section (3).]

†[(5)] If the tenant fails to intimate his willingness to purchase the site within the period referred to in sub-section (2) or fails to deposit the amount of the value within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the site and the landholder shall thereupon be entitled to evict the tenant after either paying him such compensation for the value of the structure of the dwelling house as may be determined by the Tribunal or allowing the tenant at his option to remove the materials of the structure.

†[(6)] Any sale of a site effected in contravention of this section shall be void.

Dwelling houses of agricultural labourers and artisans.

22. Government may, by Notification in the Jarida, direct that the provisions of sections 20 and 21 shall in any area specified in the notification apply also in respect of houses and the sites thereof occupied by agricultural labourers or artisans.

Tenant's rights to trees planted by him.

23. If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce and wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for such trees as may be determined by the Tahsildar:

Provided that a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant:

Provided further that the land-holder shall during the continuance of the tenancy be entitled to the rent of the land as if the trees had not been planted.

Rights to produce of naturally growing trees.

24. (1) A tenant shall during the continuance of his tenancy be entitled to two-thirds of the total produce of trees naturally growing on the land, the land-holder being entitled to one- third of the produce of such trees.

(2) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce under sub-section (1) the tenant or the land-holder may apply in the prescribed form to the Tahsildar.

(3) On receipt of such application, the Tahsildar shall after holding an inquiry, pass such orders thereon as he deems fit.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

Tenants responsible for maintenance of boundary marks.

25. Notwithstanding anything contained in the Land Revenue Act, the responsibility for the maintenance and good repair of the boundary marks of lands held by a tenant and any charges reasonably incurred on account of service by revenue officers in case of alteration, removal or repair of such boundary marks shall be upon the tenant.

Repairs of protective bunds.

26. (1) Notwithstanding any agreement, usage or custom to the contrary, if it appears to Government that the construction, maintenance or repair of any bunds protecting any land held by a tenant is neglected owing to a dispute between the landholder and the tenant or for any other reason, Government may by an order in writing direct that the construction, maintenance or repair shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable from the person in actual possession of the land as arrears of land revenue.

(2) The person from whom the costs are recovered under sub-section (1) shall be entitled to recover the same or the appropriate part thereof from any person who under any agreement, usage or custom is wholly or partially liable to construct, maintain or repair the bunds.

(3) Notwithstanding anything contained in sub-section (1) it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his cost and the costs so incurred by him shall on application made by him to the Tahsildar be recoverable by him from the landholder according to his liability under any agreement, usage or custom. The costs of the proceedings on the tenant's application shall also be recoverable from the landholder in case the landholder is held wholly or partially liable to pay the costs incurred by the tenant for the construction, maintenance or repair of the bunds.

Betterment contribution.

†[26-A. If at any time on a land held by a tenant any amount is levied or imposed by the Government as betterment contribution under the provisions of the Hyderabad Irrigation (Betterment Contribution and Inclusion Fees) Act, 1952, the tenant and the landholder thereof shall be liable to pay such amount to the Government in such proportion as the Government may, by general or special order, determine under that Act as though both were owners for the purposes thereof:

Provided that the general or special orders so made shall be laid before the Assembly.]

Relief against termination of tenancy in certain cases.

27. Where tenancy of any land held by a tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceeding for ejectment shall lie against such tenant unless and until the landholder has served on the tenant a notice in writing specifying the act of destruction or injury complained of and the tenant

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

has failed within a period of one year from the service of such notice to restore the land to the condition in which it was before such destruction or injury.

Relief against termination of tenancy for non-payment of rent.

28. †[1] Where a tenancy of any land held by a tenant is terminated for non-payment of rent and the landholder files any proceeding to eject the tenant, the Tahsildar shall call upon the tenant to tender to the landholder the rent in arrears together with the cost of proceeding within †[ninety] days from the date of the order, and if the tenant complies with such order, the Tahsildar shall, in lieu of making an order of ejectment, pass an order directing that the tenancy has not been terminated, and thereupon the tenant shall hold the land as if the tenancy had not been terminated:

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed †[for] any three years to pay rent within the period specified in sub-clause (*i*) of clause (*a*) of sub-section (2) of section 19.

†[2 The landholder may apply to the Tahsildar in the prescribed form for recovery of arrears of rent for any period not exceeding three years. The Tahsildar may, after such enquiry as he considers necessary pass such order as he deems fit. The Tahsildar in passing an order shall allow the tenant to set off the sum, if any, paid by him to the landholder within the period of three years immediately preceding the date of application made under sub-section (1) in excess of the rent due from him:

Provided that if the Tahsildar is satisfied that in consequence of a total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Tahsildar may, for reasons to be recorded in writing, direct that the arrears of rent together with costs of the proceedings, if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period the tenant fails to pay the said arrears of rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.

(3) When a tenant tenders an amount on account of rent to the landholder for any period and if the landholder refuses to receive it or refuses to grant a receipt for it, the tenant may present to the Tahsildar an application in writing for permission to deposit in his office the full amount of rent. The Tahsildar may receive the amount in deposit and give a receipt for it, which shall constitute a discharge of the tenants liability in respect of rent for such period and no claim or application by a landholder for rent shall be maintainable in respect of the period for which the rent has been so deposited by the tenant. Notice of the amount so deposited shall be given to the landholder and the amount will, on his application, be paid to him.]

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† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Receipts for rent.

29. (1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to his landholder shall be presumed to be a payment on account the rent due by such tenant for the year in which the payment is made.

(2) Every landholder shall, immediately upon the receipt of any amount paid to him on account of rent of any land, furnish a written receipt for the same in such form and in such manner as may be prescribed.

Sub-division, subletting and assignment prohibited.

30. (1) No subdivision or subletting of any land by a tenant and no assignment of any interest held by a tenant shall be valid.

(2) Notwithstanding anything contained in sub-section (1) it shall be lawful for a tenant to be a member of a co-operative farming society, and as such member to sub-let, assign, mortgage or create a charge on his interest in the land in favour of such society.

Bar to attachment or sale by process of court.

31. No interest of a tenant in any land held by him as a tenant shall be liable to be attached or sold in execution of a decree or order of a Civil Court.

Procedure of taking possession.

32. (1) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house under any of the provisions of this Act may apply to the Tahsildar in writing in the prescribed form for such possession.

(2) No landholder shall obtain possession of any land or dwelling house held by a tenant except under an order of the Tahsildar, for which he shall apply in the prescribed form.

(3) On receipt of an application under sub-section (1) or sub-section (2) the Tahsildar shall, after holding an enquiry, pass such order thereon as he deems fit.

(4) Any person taking possession of any land or dwelling house otherwise than in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, shall, without prejudice to his liability to the penalty provided in section 96, be liable to forfeiture of the crops, if any, grown on the land and to the payment of such costs as may be awarded by the Tahsildar or by the Collector on appeal from the Tahsildar.

Act not to affect rights or privileges of tenant under any other law.

33. Save as provided in sub-section (1) of section 80, nothing contained in this Act shall be construed to limit or abrige the rights or privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever.

CHAPTER IV.

Protected Tenants.

Protected tenants.

34. (1) A person shall, subject to the provisions of sub-sections (2) and (3), be deemed to be a protected tenant in respect of land if he—

(*a*) has held such land as a tenant continuously—

(*i*) for a period of not less than six years, being a period wholly included in the Fasli years 1342 to 1352 (both years inclusive), or

(*ii*) for a period of not less than six years immediately preceding the 1st day of January, 1948, or

(*iii*) for a period of not less than six years commencing not earlier than the 1st day of the Fasli Year 1353 (6th Oct., 1943), and completed before the commencement of this Act, and

(*b*) has cultivated such land personally during such period:

† [Provided that where the landholder is a minor or is serving in the Naval, Military or Air Forces in India, the tenant shall not be deemed to be a protected tenant if before the expiration of one year from the date on which the minor attains majority or the landholder ceases to serve in the said forces, the land-holder gives three months' notice in writing intimating his decision to terminate the tenancy if in good faith he requires the land to cultivate personally:

Provided further that where the landholder is a person permanently incapable of cultivating the land by reason of mental disability the tenant shall not be deemed to be a protected tenant if before the expiry of one year from the death of the land-holder, the person who succeeds to the land gives three months' notice in writing intimating his decision to terminate the tenancy if in good faith he requires the land to cultivate personally.

Explanation.—Where the land is held under more than one joint landholders the last two provisos shall not apply unless all such landholders are subject to a disability specified in the said provisos.]

Explanation I.—If the person who held such land as a tenant on the date of expiry of any of the three qualifying periods mentioned in clause (*a*) came to hold the same by inheritance or succession from another person who so held the land or if he has held such land as a tenant and is an heir to such other person, the period during which such other person held such land as a tenant shall be included in calculating such qualifying period.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Explanation II.—If the person who held such land as a tenant on the date of expiry of any of the three qualifying periods mentioned in clause (*a*), held as a tenant at any time within six years before the said date from the same land-holder in the same village any other land which he cultivated personally, the period during which he held such other land shall be included in calculating such qualifying period.

Explanation III.—Where any land is held by two or more persons jointly as tenants all such persons shall, if any of them cultivated and continues to cultivate such land personally and, if the other conditions specified in this section are fulfilled, be deemed to be protected tenants in respect of such land.

(2) Where more than one person would be entitled under sub-section (1) to be deemed to be a protected tenant in respect of any land, then, notwithstanding anything contained in that sub-section, the only one of such persons entitled to be so deemed shall be—

(*a*) the person whose qualifying period is the period specified in sub-clause (1) of clause (*a*) of that sub-section, or

(*b*) if there is no such person, the person whose qualifying period is the period specified in sub-clause (2) of that clause.

(3) A person who at the commencement of this Act is no longer in possession of land in respect of which he is deemed under sub-section (1) to be a protected tenant shall, notwithstanding anything contained in that sub-section, not be deemed to be a protected tenant in respect of such land if—

(*a*) he was evicted from such land in pursuance of a decree or order of a competent Court, or

(*b*) such land is being cultivated personally by the land-holder *[for at least one year before the commencement of this Act, or after the land was surrendered to the land-holder by the tenant], or

(*c*) a permanent structure has been built by the land-holder on such land, or

(*d*) such land has been permanently diverted by the land-holder to non-agricultural uses.

Explanation.—In sub-sections (2) and (3) of this section and in sections 35, 36 and 37 references to a person include references to such two or more persons as are referred to in Explanation III to sub-section (1).

Decision on claims.

35. (1) If any question arises whether any person, and if so what person, is deemed under section 34 to be a protected tenant in respect of any land, the land-holder, or any person

* Added by Act No. XXIII of 1951, published in Gazette Extraordinary No. 82, dated 30th June, 1951.

claiming to be so deemed, may, within one year from the commencement of this Act, apply in the prescribed form to the Tahsildar for the decision of the question and the Tahsildar shall, after enquiring into the claim or claims in the manner prescribed, declare what person is entitled to be deemed to be a protected tenant or, as the case may be, that no person is so entitled.

(2) A declaration by the Tahsildar that the person is deemed to be a protected tenant or, in the event of an appeal from the Tahsildar's decision such declaration by the Collector on first appeal or by the Board of Revenue on second appeal, shall be conclusive that such person is a protected tenant and his rights as such shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.

Recovery of possession by protected tenant.

36. (1) A person deemed under section 34 to be a protected tenant in respect of any land of which he is not in possession at the commencement of this Act shall, if he intimates to the land-holder within six months of the said commencement that he is willing to hold the land on the terms and conditions on which he held it before he lost possession thereof, be entitled to recover possession thereof on the said terms and conditions from the 1st day of March, 1951.

(2) Sub-section (1) shall have effect notwithstanding that another person may be in possession of the land, whether under a lease which is not due to expire until after the first day of March, 1951, or otherwise, and where such other person is so in possession, he shall be liable, on an application made to the Tahsildar in accordance with section 32, to be evicted on the said date.

Persons not entitled under section 34 deemed in certain circumstances to be protected tenants.

37. (1) Every person who at the commencement of this Act holds as tenant any land in respect of which no person is deemed to be a protected tenant under section 34, shall, on the expiration of one year from such commencement or, the final rejection of all claims by any other person to be deemed under section 34 to be a protected tenant in respect of such land, whichever is later, be deemed to be a protected tenant in respect of such land unless the land-holder has before such expiration or final rejection as aforesaid made an application in the prescribed form to the Tahsildar for a declaration that such person is not a protected tenant :

†[Provided that where the land-holder is a minor or a person serving in the Naval, Military or Air Forces of India, he shall make the application for declaration before the expiry of one year from the date on which the minor attains majority, or the land-holder ceases to serve in the Naval, Military or Air Forces of India :

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Provided further that where the land-holder is a person permanently incapable of cultivating the land by reason of mental disability, the person who succeeds to the land on the death of the said land-holder shall make the application within one year from the date on which he succeeds to the land.

Explanation.—Where the land is held under more than one joint land-holders the last two provisos shall not apply unless such land-holders are subject to a disability specified in the said provisos.]

(2) If after enquiring in the prescribed manner into such application, the Tahsildar refuses to make such declaration and his decision is not set aside by the Collector on first appeal or by the Board of Revenue on second appeal, the tenant shall be deemed to be a protected tenant.

(3) The rights as a protected tenant of a person deemed under sub-section (1) or sub-section (2) to be a protected tenant shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.

Persons holding land as tenants at the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955 to be deemed to be protected tenants.

*[37-A. (1) Notwithstanding anything contained in this Act, every person who at the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955 holds as tenant any land in respect of which he is not deemed to be a protected tenant under this Act, shall be deemed to be a protected tenant if the total area of the land owned by the land-holder including the land under the cultivation of his tenants is more than three times the area of a family holding for the local area concerned :

Provided that nothing in this section shall affect the rights of any other person who already holds a protected tenancy certificate in respect of such land or whose rights as protected tenant are under investigation before a competent authority, if such other person applies to the Tribunal for safeguarding his rights within a period of six months from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955.

(2) The rights as a protected tenant of a person deemed under sub-section (1) to be a protected tenant shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.]

Right of protected tenant to purchase land.

38. [† (1) Notwithstanding anything to the contrary in any law, usage or contract, and subject to the provisions of sub-section (7), a protected tenant shall at any time after the commencement of the Hyderabad Tenancy and Agricultural

* Added by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th, February, 1954.

Lands (Amendment) Act, 1954, be entitled to purchase the land-holder's interest in the land held by the former as a protected tenant.

†(2) A protected tenant who desires to exercise the right conferred by sub-section (1) shall make an offer to the land-holder stating the price which he is prepared to pay for the land-holder's interest in the land up to fifteen times for dry lands or eight times for wet lands irrigated by wells and six times of wet lands irrigated by other sources, of the rent payable by him, and where he is not entitled to purchase the whole of the land, the portion thereof which he is entitled to purchase.]

(3) If the land-holder refuses or fails to accept the offer and to execute a sale-deed within three months from the date of the offer, the protected tenant may apply to the Tribunal for the determination of the reasonable price of the land.

† [(4) On receipt of an application under sub-section (3) the Tribunal shall give notice to the applicant and the land-holder and to all persons who appear to the Tribunal to be interested, of the date, time and place at which the Tribunal will enquire into the application and shall determine the reasonable price of the land-holder's interests in the land not exceeding the maximum multiple of rent provided in sub-section (2) in conformity with such rules as may be prescribed :

Provided that where in the opinion of the Tribunal the reasonable price determined under this sub-section, does not sufficiently recompense the land-holder for the value of the improvements made by him, such as sinking a well, it shall be competent for the Tribunal, after taking into account the value of the contribution of the protected tenant towards the improvements, if any, to add such further sum as it considers adequate to the price so determined.

†(5) The protected tenant shall deposit with the Tribunal the amount of the price determined under sub-section (4)—

(*a*) either in a lumpsum within the period fixed by the Tribunal, or

(*b*) in such instalments not exceeding sixteen and at such intervals during a period not exceeding eight years and on or before such dates as may be fixed by the Tribunal in each case :

Provided that whenever land revenue due on the land is suspended or remitted by the Government, any instalment of the reasonable price payable on such land by the protected tenant shall be similarly postponed :

Provided further that when the reasonable price fixed by the Tribunal is payable in instalments, the protected tenant

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

shall in addition to the instalments be liable for the payment of the land revenue due to the Government on the land till all the instalments are paid.

†(6) (*a*) On deposit or recovery of the entire amount of the reasonable price being made, the tribunal shall issue a certificate in the prescribed form to the protected tenant declaring him to be the purchaser of the land and such certificate shall be conclusive evidence of the sale as against the land-holder and all persons interested therein and the Tribunal shall also direct that the reasonable price deposited or recovered shall be paid to the land-holder :

Provided that if the application of the protected tenant relates to an ' Inam', the Tribunal shall not issue such certificate unless previous sanction of Government has been obtained therefor.

(*b*) If a protected tenant is permitted to pay the reasonable price in instalments under the provisions of sub-section (5), interest at the rate of three per cent. per annum shall be payable by him in respect of the balance of the price due and if he commits default in respect of any instalment the same may be recovered by the Government as arrears of land revenue.

(*c*) Every instalment deposited by or recovered from the protected tenant, shall be paid by the Tribunal to the land-holder.

(*d*) If the protected tenant fails to pay the entire amount of the reasonable price within the period fixed under sub-section (5), or the same is not recovered from him, the purchase by the protected tenant shall not be effective and he shall forfeit the right of purchase of the land, and the amount paid by him towards the reasonable price shall be refunded to him with interest at three per cent. per annum together with land revenue paid by him if any after deducting therefrom the rent due from him for the period :

Provided that if th eamount of reasonable price in respecn of which the protected tenant has committed default, does not exceed one-fourth of the price fixed by the Tribunal under sub-section (5), the right of purchase of the protected tenant shall not be forfeited and the Tribunal shall cause the balance of reasonable price to be recovered as arrears of land revenue and paid to the landholder.

†(7) The right of a protected tenant under this section to purchase from his landholder the land held by him as a protected tenant shall be subject to the following conditions, namely :—

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† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

(*a*) If the protected tenant does not hold any land as a landholder the purchase of the land held by him as a protected tenant shall be limited to the extent of the area of a family holding for the local area concerned.

(*b*) If the protected tenant holds any land as a landholder, the purchase of the land held by him as a protected tenant shall be limited to such area as along with other land held by him as a landholder will make the total area of land that will be held by him as a landholder equal to the area of a family holding for the local area concerned :

Provided that the land remaining is more than the land which the protected tenant is entitled to purchase under this section, the first preference to purchase the said land, at the prevailing market price in the local area, shall vest in the protected tenant :

Provided further that in the case of purchase by any person other than the protected tenant, the rights and interests of the said tenant in the lease land, shall continue as before.

(*c*) The extent of the land remaining with the landholder after the purchase of the land by the protected tenant, whether to cultivate it personally or otherwise, shall not be less than two times the area of a family holding for the local area concerned.]

†[(8)] If in the course of an inquiry under this section any question arises as between the landholder and the protected tenant desiring to purchase land, or as between different persons claiming to be landholders or protected tenants in respect of the whole or any part of the land concerned, regarding—

(*a*) the area of land which the protected tenant is entitled under sub-section (1) to purchase, or

(*b*) where he is not entitled to purchase the whole of the land held by him as a protected tenant, the particular portion of that land which he should be permitted to purchase, or

(*c*) the priority of the rights exercisable by different protected tenants under sub-section (1), or

(*d*) the person entitled to receive the amount deposited under sub-section (5),

the question shall be determined by the Tribunal in the prescribed manner.

Procedure when reasonable price is agreed to between the landholder and protected tenant.

*[38-A. If in respect of a land held by a protected tenant the landholder consents to sell his interest in the land to the protected tenant and the reasonable price payable therefor by the protected tenant is agreed to between them, the provisions of sub-section (7) of section 38s hall not apply to such sale, and either the landholder or the protected tenant or both jointly, may

† Amended by Act No. III of 1354, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

* Substituted by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12 March, 1956.

apply to the Tribunal and thereupon all the provisions of sub-sections (5), (6) and (8) of that section shall apply *mutatis mutandis* to such application:

Provided that the reasonable price so agreed to by the parties themselves shall be deemed to be the reasonable price determined by the Tribunal for the purposes of the said sub-sections (5), (6) and (8):

Provided further that if the landholder does not sell the whole of the land held by him but retains some land with him, the extent of the land remaining with him after the purchase of the land by the protected tenant, whether to cultivate it personally or otherwise, shall not be less than the area of a basic holding for the local area concerned:

Provided also that the right of the protected tenant shall be limited to the extent of three family holdings in the local area concerned including the land, if any, owned by the protected tenant.

Procedure when landholder agrees to relinquish his rights in favour of the protected tenant.

*38-B. If in respect of a land held by a proteccted tenant, the landholder concerned intends to relinquish his interest in the land without receiving any consideration therefor, the provisions of sub-section (7) of section 38 shall not apply to such a case and the landholder may apply to the Tribunal and thereupon the Tribunal shall issue to such protected tenant a certificate so far as may be as provided for in sub-section (6) of section 38:

Provided that the right of the protected tenant and the grant of the certificate shall be limited to the extent of three family holdings in the local area concerned including the land, if any, owned by the protected tenant and that any excess over such extent shall vest in the Government free of all right of the said protected tenant:

Provided further that if the landholder does not relinquish the whole of the land held by him but retains some land with him, the extent of the land remaining with him after the relinquishment, whether to cultivate it personally or otherwise, shall not be less than the area of a basic holding for the local area concerned.]

Minimum holding in case of sale.

†[38-C. (1) If a landholder does not hold land in excess of three family holdings, he may within two years from the date of receipt of a notice in writing from the protected tenant to sell the land to him under sub-section (1) of section 38, terminate the tenancy of the said protected tenant in the manner and subject to limits specified in section 44, or sell the land to him.

(2) If after the termination of the tenancy, the landholder does not within one year from the date on which he resumed possession of the land, cultivate the land personally or having commenced such cultivation discontinues the same within ten years

* Substituted by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

from the said date, the protected tenant shall be entitled to restoration of possession of the land and its purchase in accordance with the provisions of section 38.]

Procedure when landholder intends to sell land to a protected tenant.

*[38-D. (1) If the landholder at any time intends to sell the land held by the protected tenant, he shall give a notice in writing of his intention to such protected tenant and offer to sell the land to him. In case the protected tenant intends to purchase the land he shall intimate in writing his readiness to do so within †[six months] from the date of the receipt of such notice. If there is any dispute about the reasonable price payable by the protected tenant for the land, the provisions of sub-sections (3) to †[(8)] of section 38 shall apply *mutatis mutandis*.]

†[(2)] If the protected tenant does not exercise the right of purchase in response to the notice given to him by the landholder under sub-section (1) such protected tenant shall forfeit his right of purchase of the same and the landholder shall be entitled to sell such land to any other person. On such a purchase by an other person, the protected tenant shall forfeit all his rights in the land save those provided for in section 41.

Ownership of lands held by protected tenants to stand transferred to them from a notified date.

†[38-E. (1) Notwithstanding anything in this chapter or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the Government may, by notification in the Jarida, declare in respect of any area and from such date as may be specified therein that ownership of all lands held by protected tenants which they are entitled to purchase from their landholders in such area under any provision of this chapter shall subject to the provisions of sub-section (7) of section 38 of the Act stand transferred to and vest in the protected tenants holding them and from such date the protected tenants shall be deemed to be the full owners of such lands.

(2) A certificate in the prescribed form declaring him to be owner shall be issued by the Tribunal to every such protected tenant and notice of such issue shall simultaneously be issued to the landholder. Such certificate shall be conclusive evidence of the protected tenant having become the owner of the land with effect from the date of the certificate as against the landholder and all other persons having any interest therein :

Provided that when the land held by a protected tenant happens to be an ' Inam ' the Tribunal shall not issue such a certificate unless the previous sanction of the Government has been obtained.

(3) Within 90 days from the date specified in a notification under sub-section (1) every landholder of lands situated in the area specified in such notification shall file an application before the Tribunal for the determination of the reasonable price of his interest in the land which has been transferred to the

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

* Added by Act No. XXIII of 1951, published in Gazette Extraordinary No. 32, dated 30th June, 1951.

ownership of a protected tenant under sub-section (1), and thereupon all the provisions of sub-sections (4) to (8) of section 38 shall *mutatis mutandis* apply to such application :

Provided that if the protected tenant commits default in respect of any instalment, it shall be recovered by the Government as arrears of land revenue and paid to the landholder :

Provided further that if the whole or any part of the price due to the landholder cannot be recovered as arrears of land revenue, the transfer shall not be effective and the amount, if any, already paid by the protected tenant towards the price shall be refunded to him together with interest at three per cent. per annum and the land revenue paid by him, if any, after deducting therefrom the rent for the period.]

Right of protected tenants to exchange lands.

39. (1) Notwithstanding anything contained in this Act or in any other law and notwithstanding any agreement or usage, all or any of the persons holding lands as protected tenants in the same village may agree and may make an application to the Tahsildar in the prescribed form for the exchange of their tenancies in respect of the lands held by them as protected tenants.

(2) On receipt of the application, the Tahsildar after giving notice to the landholders concerned and after making an inquiry, may sanction the exchange on such terms and contitions as may be prescribed and may issue certificate in the prescribed form to the applicants.

(3) The certificates so issued shall be conclusive of the fact of such exchange against the landholders and all persons interested in the lands exchanged.

(4) Each of the protected tenants shall hold the land received by him as the result of such exchange on the same terms and conditions on which it was held by the original tenant immediately before the exchange subject to such modifications as may have been sanctioned by the Tahsildar.

Rights of protected tenant heritable.

40. (1) All rights of a protected tenant shall be heritable.

(2) If a protected tenant dies, his heir or heirs shall be entitled to hold the tenancy on the same terms and conditions on which such protected tenant was holding the land at the time of his death† [and such heirs may, notwithstanding anything contained in this Act, sub-divide *interse* according to their shares the land comprised in the tenancy to which they have succeeded.]

(3) If a protected tenant dies without leaving any heirs, all his rights shall be extinguished.

Explanation.—The following persons only shall be deemed to be the heirs of a protected tenant for the purposes of this section :—

(*a*) his legitimate lineal descendants by blood or adoption;

† Amended by Act No. III of 1954, pubilshed in Gazette Extraordinary No. (29), dated 4th February, 1954.

(*b*) in the absence of any such descendants, his widow for so long as she does not remarry.

†[(4) The interest of a protected tenant in the land held by him as a protected tenant shall form sixty per cent. of the market value of all the interests in the lond and that of the landholder and of persons claiming under him shall be limited to the remaining forty per cent.]

Compensation for improvements made by protected tenant.

41. (1) A protected tenant who has made an improvement on the land held by him shall, if his tenancy is terminated under the provisions of this Act, be entitled for such improvement to compensation the amount of which shall, on an application made by the tenant in the prescribed form, be determined by the Tribunal in accordance with the provisions of sub-section (2).

(2) The amount of compensation determined by the Tribunal shall be the value of the improvement at the time of the termination of the tenancy estimated with due regared to :—

(*a*) the amount by which the value of the land is increased by the improvement ;

(*b*) the present condition of the improvement and the probable duration of its effect ;

(*c*) the labour and capital provided or spent by the tenant for the making of the improvement ; and

(*d*) any reduction or remission of rent or other advantage allowed to the tenant by the landholder in consideration of the improvement.

Protected tenant's right to erect farmhouse.

42. A protected tenant shall be entitled to erect a farmhouse on the land held by him as a protected tenant.

Mortgage or charge by protected tenant as security for loans.

† [43. Notwithstanding anything contained in any law for the time being in force, or any custom, decree or contract to the contrary, it shall be lawful for a protected tenant to mortgage or create a charge on his interest in the land in favour of the Government in consideration of loan advanced to him by the Government under the Hyderabad Agriculturists Loans Act, 1950, and without prejudice to any other remedy open to the Government in the event of his making a default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the Government to cause his interest in the land to be sold, and the proceeds to be applied in payment of such loan.]

Land holder's right to terminate protected tenancy.

44. †[(1) Subject to the provisions of sub-section (8) a landholder who, on the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act 1954 comes into force, is not already cultivating personally an area equal to

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

three times the family holding for the local area concerned and who in good faith requires land leased out to a protected tenant for cultivating personally may, not-withstanding anything contained in section 19 of the Act, terminate the tenancy and resume such land or portion of such land that would, together with the land which he is already cultivating personally, either as owner or protected tenant, be equal to three times the family holding, by making an application in the manner prescribed to the Collector or any other officer whom the Government may from time to time authorise in this behalf:

*[Provided that after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955, no such land-holder shall be entitled to exercise the right of resumption under his sub-section unless he has, within a period of one year from the commencement of the said Act, filed with the Deputy Collector, in the prescribed manner, a statement of reservation demarcating the lands which he reserves for the exercise of the rights of resumption under this section. On such statment being filed, the Deputy Collector shall, as soon as may be, after making necessary enquiry, issue a certificate to the land-holder in the prescribed manner to the effect that the lands have been so reserved. The right to terminate tenancy shall be exercisable only in respect of the lands specified in the certificate as so reserved and shall not extend to any other land.]

(2) The landholder's right to terminate tenancy of any protected tenant under sub-section (1) shall be limited to an area which shall after such termination, leave with the protected tenant an area, which together with the land owned by him or cultivated by him as a protected tenant, is equal to a basic holding for the local area concerned:

Provided that, where by such resumption the land that will be left with protected tenant together with other land owned or cultivated by him will be less than a basic holding, the landholder's right of terminating the tenancy, shall be limited to half the area of land leased out by him to the said protected tenant:

Provided further, that where the land owned by a landholder does not exceed a basic holding he will be entiletd to resume the entire land leased by him.

(3) Nothing in sub-section (1) shall entitle the landholder to resume more than a family holding unless the income by the cultivation of such land will be the main source of income of the landholder for his maintenance.

(4) The Government shall provide by Rules for:—

(*i*) manner of conducting enquiries into the applications for resumption;

*[(*ii*) the manner of filing reservation statement of lands reserved for resumption and the issue of certificate by the Deputy Collector;]

* Added by Act No. III of 1956, published in Gazette Extraordinary No. (46) dated 12th March, 1956.

*[(*iii*)] selection of lands for resumption ;

*[(*iv*)] exchange and consolidation of fragments to secure as far as possible contiguous blocks to the land holder, or the protected tenant ;

*[(*v*)] time when the resumption will take effect ;

(*vi*) any other matter as may be considered necessary for giving effect to the provisions of this Section.

(5) (*a*) The right of termination of the tenancy of any protected tenant under sub-sections (1), (2) and (3) shall cease after five years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954.

(*b*) The tenancy in respect of the land left with the protected tenant after termination under this section shall not at any time be liable to be terminated on the ground that the landholder *bona fide* requires the said land for the purpose specified in sub-section (1).

(6) Notwithstanding anything contained in this section a protected tenant *["of any land reseved for resumption under Sub-section (1)"] shall be entitled within the said period of five years to exercise his right to purchase under section 38 the land held by a landholder in excess of two family holdings, provided that such lanholder before the expiry of three months from the date of receipt of the notice under sub-section (2) of section 38, selects the land which together with the land, if any,which he is cultivating personally is equal to the area of three family holdings, and also initiates proceedings for its resumption.]

†[(7)] If the tenancy of a protected tenant is terminated under this section in respect of part only of the land leased to him, the amount of the rent thereof payable by him shall be proportionately determined in the prescribed manner.

†[(8)] Nothing in this section shall entitle a landholder to terminate the tenancy of a protected tenant who is for the time being a member of Co-operative Farming Society.

Landholder to restore possession if he fails to cultivate within one year.

45. (1) If upon the termination of a tenancy under section 44 the landholder—

(*a*) does not within one year from the date on which he resumed possession of the land †[cultivate the same personally], or

(*b*) having commenced such †[cultivation], discontinues the same within ten years of the said date, he shall forthwith

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* Added by Act No. III of 1956, published in the Gazette Extraordinary No. (46), dated 12 March, 1956.

† Added by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated 4th February, 1954.

restore possession of the land to the tenant whose tenancy was terminated by him unless he has obtained from the tenant his refusal in writing to accept the tenancy on the terms and conditions prevailing before the termination of the tenancy or has offered in writing to give possession of the land to the tenant on the said terms and conditions and the tenant has failed to accept the offer within three months of the receipt thereof :

† [Provided that such refusal by the protected tenant to accept the tenancy shall be recorded before and to the satisfaction of the Tahsildar.]

(2) After the tenant has recovered possession of the land under sub-section (1) he shall, subject to the provisions of this Act, hold the same on the terms and conditions on which he held it immediately before the termination of his tenancy.

(3) If the landholder fails to restore possession of the land to the tenant as provided in sub-section (1) he shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar for the loss sufferred by the tenant on account of the eviction.

Explanation.—For the purposes of this section, references to a protected tenant shall include references to the heirs mentioned in the Explanation to section 40.

Application for recovery of possession by tenant.

46. If at any time the tenant makes an application to the Tahsildar and satisfies him that the landholder has failed to comply within a reasonable time with the provisions of section 45, the protected tenant shall be entitled on a direction by the Tahsildar to obtain immediate possession of the land and to such compensation as may be awarded by the Tahsildar for any loss caused to the tenant by his eviction and by the failure of the landholder to restore or give possession of the land to him as required by the said section.

CHAPTER V.

Restrictions on Transfers of Agricultural Land.

All alienations and transfer of agricultural land to require sanction or confirmation.

47. (1) Notwithstanding anything contained in any other law for the time being in force or in any decree or order of a Court, no permanent alienation and no other transfer of agricultural land shall be valid unless it has been made with the previous ‡[sanction of] the Collector :

†[Provided that the Collector may declare a permanent alienation or any other transfer of agricultural land to be valid if

† Added by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

‡ Added by Act No. XXIII of 1951.

the permanent alienation or transfer took place before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954 and possession of the land transferred was given to the vendee before such commencement if application for sanction is made within one year after such commencement.]

(2) Applications for such previous sanction † [shall be made and disposed of in accordance with such procedure as may be prescribed.

General restrictions on grant of sanction.

48. (1) In the case of a ‡ [permanent alienation or transfer], the Collector shall not sanction † [ ] the same if—

(*a*) the area of the land held by the alienor or transferor after the alienation or transfer would be less than** [ ] a family holding determined under section 4 for the local area concerned : ‡ [ ]

‡ [Provided that the requirements of this clause may be dispensed with by the said officer if he is satisfied that the alienor or transferor as the case may be, is not an agriculturist or intends to give up the profession of an agriculturist] * [or is alienating the whole of the land in his possession or that the transfer is being made by an agriculturist for good and sufficient reasons subject to his retaining a basic holding,] or

(*b*) the area of the land held by the alienee or transferee afer the alienation or transfer would exceed * [three times] the ** [family holding] so determined † [after excluding thereform the following, area, namely :—

any area of the land held by the alienee or transferee which is in possession of a protected tenant or protected tenants in respect of which the alienee or transferee, as the case may be, relinquishes the right of resumption for his personal cultivation under section 44 permanently against such protected tenant or protected tenants :

Provided that the Government may for such reasons as may be prescribed permit a permanent alienation or transfer as a result of which the area of the land held by the alienee or transferee after the alienation or transfer exceeds the maximum area that can be so held under this clause.]

(2) In the case of a mortgage, the Collector shall not sanction the same if the terms of the mortgage are such that possession of the land is to be or may be delivered to the mortgagee as security for the money advanced or to be advanced.

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† Amended by Act No. XXIII of 1951.

‡ Amended by Act No. XIII of 1951, publishd in Gazette Extraordinary No. (18), dated 1st March, 1951.

* Added by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

** Substituted by Act No. III of 1956, published in Gazette Extraordinary No. (46), dated 12th March, 1956.

Additional restrictions where alienee or transferee is a non-agriculturist.

49. Where the alienee or transferee is a non-agriculturist, the Collector shall not sanction † [ ] the alienation or transfer unless he is satisfied—

(*a*) in the case of a permanent alienation or * [transfer] that the alienee or transferee intends to adopt the profession of an agriculturist :

‡ [Provided that if the alienee or transferee does not within one year from the date on which he obtained possession of the land adopt the profession of an agriculturist or having adopted such professsion discontinues the same within ten years from such date, the Collector may, acting on his own motion or otherwise, declare the alienation or transfer invalid and restore the land to the alienor or transferor subject to the provisions of subsection (2) of section 48 ;]

(*b*) in the case of a mortgage, that the transaction is of a *bona fide* character.

Cases in which restrictions imposed by sections 47, 48 and 49 shall not apply.

‡[50. The restrictions imposed by sections 47,48 and 49 shall not apply to—

(*a*) a permanent alienation or transfer of agricultural lands made with the previous permission of the Collector for any non-agricultural use ;

(*b*) registered sales of agricultural lands before the commencement of this Act ;

(*c*) agreement to sell agricultural lands entered into before the commencement of this Act, if possession of the lands had been transferred to the vendees before such commencement in pursuance of such agreements.]

Provisions of this chapter not to apply.

**[50-A. Nothing in this chapter shall apply to the sale of agricultural land in accordance with the provisions of Chapter IV.]

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† Omitted by Act No. XXIII of 1951, published in Gazette Extraordinary No. (32), dated 30th June, 1951.

* Amended by Act No. XIII of 1951, published in Gazette Extraordinary No. (18), dated 31st March 1951.

‡ Added by Act No. III of 1954, published in Gazette Extraordinay No. (29), 4th February, 1954.

** Substituted by Act No. III of 1956, published in Gazette Extraordinary No. (46), dated 12th March, 1956.

CHAPTER VI.

Management or Acquisition of Uncultivated, Improperly Cultivated or Surplus Lands.

Power to assume management of land.

51. *[(1) Notwithstanding any law for the time being in force or any usage or custom or the terms of any contract or grant, if it appears to Government that for any two consecutive years including any period before the commencement of this Act any land has remained uncultivated through default either of the landholder or of the tenant, or that cultivation of any land has seriously suffered for any other cause whatsoever, or that any land capable of being used, if reclaimed or otherwise improved howsoever, has not been so reclaimed or otherwise improved, and cultivated or that any land is remaining as a pasture land in excess of the ordinary grazing requirements of the cattle of the persons entitled to graze cattle thereon, the Government may after such enquiry as may be prescribed declare by notification in the Jarida that the management of such land shall be assumed, and such declaration shall be conclusive.]

(2) On the publication of a notification under sub-section (1), Government or an officer authorised by Government in this behalf shall appoint a manager to be in-charge of the land and the manager so appointed shall be deemed to be a public servant within the meaning of the † [Indian Penal Code, 1860 (XLV of 1860).]

Consequences of assumption of management.

52. During the period of management, that is to say, the period commencing with the publication of the notification under sub-section (1) of section 51 and ending with the termination of management under section 53, the following provisions shall have effect, namely :—

*[(*a*) Omitted.]

(*b*) all legal proceedings pending and all processes, executions or attachments in force in respect of debts and liabilities enforceable against the land shall be suspended and no fresh proceedings, processes, executions or attachments shall be instituted, issued, enforced or executed in respect thereof;

(*c*) the holder of the land shall be incompetent and the manager shall be competent—

(*i*) to enter into any contract with respect to the land,

(*ii*) to mortgage, charge, lease or alienate the land or any part thereof,

(*iii*) to grant valid receipts for rents or profits accruing from the land;

(*d*) all powers, which if the management of the land had not been assumed would have been exercisable by the landholder

* Amended by Act No. XXIII of 1951, published in Gazette Extraordinary No. (32) dated 30th June, 1951.

† Substituted by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

shall be exercisable by the manager who shall receive and recover all rents and profits due in respect of the land under management and for the purpose of recovering the same may exercise, in addition to the powers exercisable by the landholder the powers exercisable by a Collector for the recovery of land revenue;

(*e*) from the sums received on account of the land, the manager shall pay—

(*i*) the costs of management including the cost of necessary repairs;

(*ii*) the Government revenue and all sums due to the Government in respect of the land under management;

(*iii*) the rent, if any, due to any superior holder in respect of the land;

(*iv*) such periodical allowance as the Collector may from time to time fix for the maintenance and other expenses of the landholder and of such members of his family as the Collector directs; and

(*v*) the cost of such improvement of the land as he thinks necessary and is approved by the Collector;

(*f*) the manager shall pay to the landholder the balance, if any, remaining after the expenses referred to in clause (*e*) have been defrayed:

Provided that if any proceedings in respect of debts and liabilities enforceable against the land have been suspended under clause (*b*), the manager may deposit an amount, not exceeding the amount estimated to be required for the meeting of such debts and liabilities with the Court in which the proceedings were pending.

Termination of management.

53. (1) When in the opinion of Government it has become unnecessary to continue the management of the land, Government shall by notification in the Jarida terminate the management thereof.

(2) On the termination of management, the land (together with any balance of monies creditable to the landholder) shall be delivered to the landholder from whom the management was assumed or, if he is dead, to the person appearing to Government to be entitled to the land.

(3) All acts done by the manager during the period of management shall be binding on the landholder or other person to whom the land is delivered under sub-section (2).

(4) The period during which the institution of any proceeding has been prohibited by clause (*b*) of section 52 shall be excluded from the computation of the period of limitation for the institution of that proceeding.

Census of land holdings and details of cultivation.

† [53-A. (1) For the purposes of this Act generally and in particular for the administration of this Chapter, the Government may take a census of land holdings and details of cultivation in the prescribed manner.

(2) Any person who has any interest in agricultural lands, either as a landholder, mortgagee or tenant or otherwise, shall furnish fully and correctly any information that may be required of him for the purpose of the said census.

Prescription of standards of cultivation and management.

53-B. (1) With a view to bring the agricultural economy to a higher level of efficiency, the Government may, by rules, regulate standards of efficient cultivation and management.

(2) Such rules may provide for the issue of directions as regards the methods of agriculture to be adopted, the use of improved seeds, sale of surplus foodgrains, and for ensuring proper wages and terms of employment of agricultural workers, maintenance of regular and accurate accounts in respect of cultivation, and such other directions as may be necessary or desirable for the efficient utilisation of lands.

(3) Such rules shall apply to agriculturists who cultivate personally land equal to three times the family holding or more.

(4) The Government may lower the extent of the holding to which such rules shall apply.

Further power to assume for public purpose management of land not efficiently cultivated and managed.

53-C. (1) Notwithstanding any law for the time being in force of any usage or custom or the terms of any contract or grant to the contrary, the Government or any officer or authority authorised by the Government may, for a public purpose, from such date as may be notified in the Jarida and subject to the provisions of sub-section (7) as to the payment of compensation, assume the management of so much of the land held by a landholder and not in the occupation of tenants, as is in excess of four and a half times the family holding for the local area concerned unless in the opinion of the Government or such officer or authority, it is so efficiently cultivated and managed according to the standards prescribed under section 53-B that a break-up will lead to a fall in production.

Explanation I.—For the purposes of this sub-section the standard of efficient cultivation and management will apply only to land which forms a compact block.

Explanation II.—In this sub-section 'public purpose' includes settlement of landless cultivators, development of co-operative organisations and increasing the efficiency of management:

† Added by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated 4th February, 1954.

Provided that in calculating the excess of land owned by a joint family, every branch of it entitled under the Hindu Law to a share per stirpes in the property owned by the family on the partition of the family, shall be allowed one family holding even though the aggregate of such shares may exceed four and a half times the family holding:

Provided further that a declaration by Government that a land is required for a public purpose shall be conclusive evidence that the land is so required.

(2) Where in the opinion of the Government or such officer or authority the cultivation of any land by a landholder falls below the standards prescribed under section 53-B the Government or such officer or authority may, subject to the provisions of sub-sections (7) and (8) as to the payment of compensation, assume the management of the entire holding or such portion thereof as is in excess of three times the family holding in the local area concerned:

Provided that every branch of a joint family entitled under the Hindu Law on partition to a share per stirpes in the property owned by the family, shall be allowed one family holding even though the aggregate of such shares may exceed three times the family holding:

Provided further that the provisions of sub-sections (1) and (2) shall not apply to permanent fruit gardens and orchards that existed on the 1st January, 1952.

(3) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply to lands held by protected tenants as such, including lands if any, held by them as landholders.

(4) Before assuming management, the Government or such officer or authority shall give three months' notice in writing to the landholder of the intention to do so, and consider any representation he may make within the period allowed in the notice.

(5) After considering such representation, if any, the Government or such officer or authority shall communicate in writing to the landholder the decision thereon and publish the decision in the manner prescribed.

(6) On the publication of a decision to assume the management the Government or such officer or authority shall subject to the provisions of section 53-B appoint a manager to be in charge of the lands and thereafter the provisions of section 52 shall *mutatis mutandis* apply to such lands.

(7) The amount of compensation payable for assumption of management shall consist of a recurring payment determined in accordance with the provisions of section 11 and sub-section (3) of section 17 and such other sums, if any, as may be

found necessary to compensate the landholder for all or any of the following matters, namely:—

(*i*) pecuniary loss due to assumption of management;

(*ii*) expenses on account of vacating the land the management of which has been assumed;

(*iii*) expenses on account of re-occupying the land on the termination of the management;

(*iv*) damage, if any, caused to the land during the period of management, including the expenses that may have to be incurred for restoring the land to the condition in which it was at the time of assumption of management.

(8) (*a*) Where the amount of compensation referred to in sub-section (7) can be fixed by agreement, it shall be paid in accordance with such agreement.

(*b*) Where no such agreement can be reached, the Government shall appoint as Arbitrator a person qualified for appointment as a District Judge.

(*c*) At the commencement of the proceedings before the Arbitrator the Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(*d*) The Arbitrator in making his award shall have regard to the provisions of section 18 of the Hyderabad Land Acquisition Act, 1309 F., so far as the same can be made applicable.

(*e*) An appeal shall lie to High Court against an award of the Arbitrator.

(*f*) The Government may make rules for carrying into effect the provisions of this sub-section and in particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*i*) the procedure to be followed in arbitration under this sub-section;

(*ii*) the principles to be followed in apportioning the costs of proceedings before the Arbitrator and on appeal..

Appointment of Village Panchayat or Co-operative Farming Societies as Managers.

58-D. The Government may appoint a Village Panchayat or a Co-operative Farming Society as manager for the purpose of this Chapter.

Order of preference in leasing out the surplus lands.

53-E. In leasing out the lands where management is assumed under section 51 or section 53-C, preference shall be given in the following order—

Co-operative Farming Societies, agricultural workers working on the said lands, landholders or tenants who cultivate personally less than a family holding, and other landless person residing in the village.

Right of lessee to purchase lands.

53-F. (1) Any person to whom lands over which management is assumed under section 51 or section 53-C are leased shall be entitled to purchase such lands, subject to the provisions of sub-section (2), on the same terms as protected tenants are entitled to do under section 38:

Provided that the extent of land left to a landholder shall not be less than three times the area of a family holding for the local area concerned.

(2) The reasonable price payable by a person to the landholder under sub-section (1) shall not exceed twenty times the recurring payment payable as compensation under sub-section (7) of section 53-C for dry lands, twelve times in the case of wet lands irrigated by wells and nine times in the case of wet lands irrigated by other sources, of such recurring payment, but shall in no case exceed the market value of the land in the locality.

Power to acquire lands.

53-G. (1) Notwithstanding anything contained in this Chapter or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the Government may acquire the lands, the management of which it can assume under the provisions of section 53-C subject to the payment of the reasonable price payable under the provisions of sub-section (2) of section 53-F as compensation.

(2) The Government may issue bonds on such terms as may be prescribed in payment of the whole or part of the compensation payable under the provisions of sub-section (1).

(3) The Government shall distribute the lands so acquired in the order laid down in section 53-E and may collect the price of the land so distributed at such rates as may be prescribed in a lumpsum, or in instalments from the persons to whom the lands are distributed.]

*[CHAPTER VII.

Prevention of Fragmentation and the Consolidation of Holdings.

Application of this Chapter.

54. The provisions of this Chapter, or any section or sections thereof, shall apply to such local area or areas as the Government may from time to time by notification in the Jarida specify.

*Added by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated 4-2-54.

Prohibition of fragmentation.

55. No land shall be permanently alienated, leased, or sub-divided so as to create a fragment and every permanent alienation, lease or sub-division contrary to this provision shall be void.

Prohibition of fragmentation on partition.

56. (1) Where by transfer, decree, succession or otherwise, two or more persons are entitled to shares in an undivided property, and such property has to be divided among them, such partition shall be effected so as not to create a fragment and subject to provisions of sub-section (2) every partition effected contrary to this provisions shall be void.

(2) Where such sub-division or partition is made by the Court or the Collector, the following procedure shall be adopted:–

(*a*) If, in effecting a partition of property among several co-sharers, it is found that a co-sharer is entitled to a specific share in the land and cannot be given that share without creating a fragment, he shall be compensated in money for the fragment.

(*b*) If, in effecting a partition, it is found that there is not enough land to provide basic holdings to all the co-sharers, the co-sharers may agree among themselves as to the particular co- sharer or co-sharers who should be provided with basic holdings and which of them should be compensated in money. In the absence of any such agreement, the co-sharers to whom basic holdings can be provided and those to whom money compensation should be given shall be chosen by lot, in the manner prescribed.

(*c*) The compensation shall be payable by each co-sharer getting an excess over the share of land legally due to him, and such co-sharer shall deposit the amount of such compensation in the manner prescribed before taking possession of the share allotted to him. On his failure to do so, his share shall be allotted to any other co-sharer to whom land has not been previously allotted and who is chosen in the manner provided in clause (*b*) subject to the payment of similar compensation to the co-sharers, not getting shares of land.

(*d*) If none of the co-sharers to whom land has been allotted under clause (C) pays the compensation and takes the share, the share shall be sold in auction to the highest bidder, and the purchase money shall be paid to the co-sharers not getting lands in proportion to their respective shares.

(*e*) Where the parties agree upon any other method of partition which will not result in fragmentation, that method shall be followed in effecting partition.

(3) Where a partition is effected in execution of a decree all questions relating to the division of the land and apportionment of compensation shall be decided by the court executing the decree or by the Collector effecting the partition, as the case may be, in accordance with the provisions of sub-section (2).

Notification of intention to prepare a scheme of consolidation of holdings.

57. Government may of its own motion or on application made in this behalf by two-thirds of the total number of landholders and protected tenants of a village or contiguous villages holding between them not less than half the area comprised in all the plots in the village or contiguous villages declare by a notification in the Jarida and by publication in the prescribed manner in the village or villages concerned its intention to make a scheme for consolidation of the holdings in such village or villages or parts thereof as may be specified.

Appointment of Consolidation Officer.

58. The Deputy Collector shall be the Consolidation Officer for the area under his jurisdiction, provided the Government may appoint any other person as Consolidation Officer for any local area.

Preparation of a draft scheme.

59. The Consolidation Officer shall, after such enquiry as he thinks fit, prepare a draft scheme for the consolidation of holdings in the village or villages, publish it in the prescribed manner, hear objections thereto and make such modifications in his scheme as he may think fit. Thereupon he shall submit his final draft scheme to the Collector for confirmation.

Payment of compensation.

60. If, in the redistribution of lands in any scheme any person is allotted land of less market value than his original holding, the Consolidation Officer may provide in the scheme for payment to him of compensation for such deficiency. He may also fix the assessment including water-rate, if any, payable in respect of each reconstituted holding.

Consideration of draft scheme by the Collector.

61. (1) The draft scheme submitted by the Consolidation Officer to the Collector shall be published in the prescribed manner in the village or villages concerned.

(2) Within thirty days of such publication, any person likely to be affected by such scheme may present to the Collector, his objections, if any, to the scheme.

(3) The Collector shall consider all the objections received by him and shall after such further enquiry, if any, as he may think fit, either confirm it with or without modifications or refuse to confirm it.

Publication of final scheme and giving effect to it.

62. (1) The final scheme as confirmed by the Collector shall be published in the Jarida and also in such other manner as may be prescribed, and such scheme shall take effect from the beginning of the next year, following such publication and be binding on all the land holders and tenants in the villages.

(2) The landholders and tenants affected by the scheme shall, with effect from such date, be entitled to, and to take possession of, the respective holdings allotted to them in the redistribution.

(3) The Consolidation Officer shall, if necessary by warrant put them in possession of the holding to which they have become entitled;

Provided that no landholder or tenant shall be entitled to possession of a holding allotted to him in the redistribution unless he has previously deposited in the prescribed manner the compensation, if any, payable by him under the scheme:

Provided further that if any landholder or tenant fails to make such deposit, the Consolidation Officer may sell his holding in auction and pay the purchase money realised to the landholder or such other persons as may be found to have an interest in the land.

Grant of Registered Certificate.

63. The Consolidation Officer shall grant to every landholder to whom a holding has been allotted in pursuance of a scheme of consolidation, a certificate in the prescribed form duly registered under the Indian Registration Act, 1908, and no further instrument shall be necessary to effect any transfer involved in the scheme of consolidation.

Assessment and recovery of cost.

64. Subject to any general or special order of the Government in this behalf, the cost of carrying out the scheme of consolidation shall be assessed in the prescribed manner and be recoverable from the landholders and tenants whose lands are affected thereby, in such proportion as may be fixed by the Consolidation Officer.

Rights of persons to whom holdings have been allotted.

65. (1) Every person to whom a holding has been allotted in pursuance of a scheme of consolidation shall have the same rights in such holding as he had in his original holding.

(2) If the original holding of any person included in a scheme of consolidation was burdened with a lease, mortgage or other encumbrance such lease, mortgage, or other encumbrance shall be transferred therefrom and attach itself to the holding allotted to him under the scheme, or to such part of it as the Consolidation Officer may determine and the lessee, mortgagee or other encumbrancer, as the case may be, shall exercise his rights accordingly.

(3) If the holding to which a lease, mortgage or other encumbrance is transferred under sub-section (2) is of less market value than the original holding from which it is transferred, the lessee, mortgagee or other encumbrancer, as the case may be, shall be entitled to the payment of such compensation by the person concerned, as the Consolidation Officer may determine.

(4) The Consolidation Officer shall put any lessee, mortgagee or other encumbrancer entitled to possession into the possession of the holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (2).

Stay of proceedings.

65-A. During the pendency of the consolidation proceedings under this Chapter, all proceedings judicial or otherwise for partition of lands in the area concerned and all proceedings for transfer of registry in the revenue accounts shall be stayed.]

CHAPTER VIII.

Co-operative Farms.

Formation of a Co-operative Farm.

**[66. Any ten or more persons of a village or two or more contiguous villages holding between them, either as landholders or protected tenants, rights in and possession over 50 acres or more in such village or contiguous villages and desiring to start a Co-operative Farm comprising the land so held and possessed by them may apply in writing in the prescribed form to the Registrar appointed under the *[Hyderabad Co-operative Societies Act, 1952] (hereinafter referred to as the Registrar) for the registration thereof.]

Application for Registration.

67. An application for the registration of a Co-operative Farm shall be accompanied by extracts from the Record of Rights or other records showing the total area with the Survey Numbers of all the fields held by each of the applicants in the village or contiguous villages and shall contain such further particulars as may be prescribed.

Registration of a Co-operative Farm.

68. **[(1) After making such enquiry as may be prescribed, the Registrar shall, unless he is satisfied that it is not in the best interests of all concerned to do so, register the Co-operative Farm under the *[Hyderabad Co-operative Societies Act, 1952] and grant a certificate of registration.]

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Collector for such action as may be prescribed.

Land held by a member to be transferred to the Farm.

69. When a Co-operative Farm has been registered under section 68, all lands in the village or contiguous villages held by a member, shall, for so long as the registration of the Co-operative Farm is not cancelled, be deemed to be transferred to and held by the Co-operative Farm, which shall thereupon hold such land and may use it for agricultural purposes or for the purposes of the development of Cottage Industries.

Formation of a Co-operative Farm of holdings below the family holding.

70. If not less than two-thirds of the total number of landholders holding rights in † holdings below the family holding in a village or contiguous villages and holding between them not less than two-thirds of the aggregate area comprised in all such †[holdings below the family holding] in the village or contiguous villages, apply jointly to the Collector in the prescribed form for the establishment of a Co-operative Farm, the Collector shall, by notice require all the landholders holding the remainder of such †[holdings below the family holding] in the village or contiguous villages to show cause why a Co-operative Farm comprising all the lands included in all the †[holdings below the family holding] in the village or contiguous villages be not established and constituted.

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*Amended by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

**Added by Act No. XXIII of 1951, published in Gazette Extraordinary No. 32, dated 30th June, 1951.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Disposal of objections.

71. The Collector shall in accordance with the prescribed procedure hear the objection or objections of the landholders who may desire to be heard, and after hearing them he shall, unless he is satisfied that it is not in the best interests of the persons affected, order that a Co-operative Farm consisting of all the lands comprised in the †[holdings below the family holding] in the village or contiguous villages be established.

Service of order under section 71.

72. Notice of an order passed under section 71 directing a Co-operative Farm to be established shall be served on every person affected and shall be proclaimed in the village or contiguous villages in the prescribed manner.

Registration of the Co-operative Farm of holdings below the family holding.

73. (1) The Collector shall cause a copy of any order passed under section 71 or on appeal under section 90 from an order so passed directing that a Co-operative Farm be established, to be forwarded to the Registrar, who shall thereupon register the farm under the Hyderabad Co-operative Societies Act, 1952 and shall grant a certificate of registration.

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Collector for such action as may be prescribed.

Lands in the holdings below the family holding to be transferred to the farm.

74. When a Co-operative Farm has been registered under section 73, all lands comprised in the †[holdings below the family holding] in the village or contiguous villages held by any landholders shall, for so long as the registration of the Co-operative Farm is not cancelled, be deemed to be transferred to and held by the Co-operative Farm which shall thereupon hold such land for the purposes of agriculture or of the development of Cottage Industries.

Acquisition of lands of a land holder not joining the Farm.

75. Where any landholder, who holds a † [holding below the family holding] in a village or contiguous villages in which a Co-operative Farm has been registered is unwilling to join the Farm, he shall, on an application made to the Collector in that behalf within three months of the grant of the certificate of registration, be entitled to be paid such compensation on such principles and in such manner as may be prescribed for his interests in the land mentioned in section 74 and thereupon all his interests in such land shall stand transferred to and be vested in the Co-operative Farm and he shall cease to be a member of the Farm.

Consequences of registration.

76. When a certificate of registration in respect of any Co-operative Farm has been granted under section 68 or 73, the provisions of the *[Hyderabad Co-operative Societies Act, 1952] shall, so far as they are not inconsistent with the provisions of this Act or of the rules made thereunder, be applicable thereto.

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† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29 dated 4-2-1954.

* Amended by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

Bye-laws of the Farm.

77. Every application under section 67 or 70 shall be accompanied by a copy of the proposed bye-laws of the Co-operative Farm and such bye-laws shall be deemed to be the bye-laws required to be filed under the provisions of the*[Hyderabad Co-operative Societies Act, 1952.]

Amendment of the bye-laws by the Registrar.

78. The Registrar may, at any time on an application made by a majority of the members of a Co-operative Farm, or on his own motion after giving notice to the Farm in such manner as may be prescribed, amend the bye-laws.

Land contributed to the Farm to continue to vest in the landholder thereof.

79. Nothing in this Chapter shall be deemed to cause the interest of a landholder in land contributed by or on his behalf to a Co-operative Farm to cease to vest in him.

Rights, privileges, obligations and liabilities of members.

80. Every member of a Co-operative Farm shall be entitled to such rights and privileges, be subject to such obligations and liabilities, and be bound to discharge such duties as may be prescribed.

Contribution by a member.

81. Subject to such exceptions as may be prescribed every member shall be bound to contribute to the Co-operative Farm to the extent and in the manner prescribed :—

(*i*) funds,

(*ii*) personal labour,

(*iii*) agricultural implements, agricultural stock and such other articles as may be prescribed.

Liablity of the Farm to land revenue and other dues.

82. A Co-operative Farm shall, as from the date on which it is constituted, be liable for the payment of all the land revenue, cesses and local rates payable by the landholder in respect of the land held by it under section 69 or 74.

Admission of new members.

83. Any person, who is a resident of the village or contiguous villages in which a Co-operative Farm is situate may be admitted as a member thereof upon such terms and conditions as may be prescribed.

Heirs entitled to become members of the Farm.

84. When a member, whose land is held by a Co-operative Farm, dies, his heirs shall become members of the Co-operative Farm.

Loan to a Co-operative Farm.

85. (1) Government may upon an application made in that behalf by a Co-operative Farm, advance loans to the Farm to such extent and in such manner as may be prescribed for the purpose of payment of compensation under section 75.

(2) Any loan advanced under sub-section (1) shall be repaid in such manner and in such instalments as may be prescribed and, notwithstanding anything contained in any law for the time being in force, it shall be the first charge on all the lands for the time being comprised in the Farm.

*Amended by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

Concessions and facilities for the Co-operative Farm.

86. (1) A Co-operative Farm shall be entitled to such concessions and facilities as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision the prescribed concessions and facilities may include—

(*a*) reduction of land revenue;

(*b*) reduction of or exemption from agricultural income tax;

(*c*) free technical advice from experts employed by the Government;

(*d*) financial aid and grant of subsidies and loans with or without interest; and

(*e*) priority in irrigation from State irrigation works.

CHAPTER IX.

Constitution of Tribunal; Procedure and Powers of Authorities; Appeals etc.

Constitution of Tribunals.

87. (1) The Government may, by notification in the Jarida, constitute an Agricultural Lands Tribunal for any area specified in the notification.

(2) Every Tribunal constituted under sub-section (1) shall consist of three or more members, one of whom shall be appointed in the notification constituting the Tribunal to be the President of the Tribunal.

(3) One at least of the members of every Tribunal constituted under sub section (1) shall be a person who has for a period of not less than three years held judicial office not lower in rank than that of a Munsiff, or if no such person is available, a person who has for a like period held a land revenue office not lower in rank than that of a Tahsildar.

(4) In any area for which a Tribunal has not been constituted under sub-section (1), all the powers and duties conferred and imposed on the Tribunal by or under this Act shall be exercised and discharged by the Deputy Collector or by such other officer as Government may authorise in this behalf.

Constitution of Land Commission and their functions.

†[87-A. (1) The Government shall establish a Commission to be called the Hyderabad Land Commission which shall consist of not more than seven persons of whom :—

(*a*) three shall be elected by the Legislative Assembly in the prescribed manner;

(*b*) one shall be an official nominated by the Government; and

(*c*) the rest shall be nominated by the Government from among persons having special knowledge or practical experience in agriculture or land problems.

†Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

(2) The members of the said Commission shall hold office for a term of [*two years, The Government may extend the term for such period not exceeding one year as it may consider necessary.]

(3) The Government shall nominate one of the members as the Chairman.

(4) Subject to the provisions of this Act and any rules which may be made by the Government in this behalf it shall be the duty of the said Commission to advise the Government in fixing the extent of the basic and family holdings, and the areas to which they apply in matters relating to assumption of management or acquisition of lands by the Government; prevention of fragmentation and consoldiation of holdings and generally in regard to the agrarian policy which the Government may from time to time formulate for the administration of this Act in the State.

(5) The said Commission shall function as an advisory body and shall discharge such other functions as may be prescribed :

Provided that if the Government finds itself unable to accept the advice given by the said Commission on any subject it shall give the said Commission an opportunity to represent their views before coming to a decision.

(6) The Government may establish an area Land Commission for a District or a part of the District and shall, in consultation with the Hyderabad Land Commission established under sub-section (1), determine by a notification in the Jarida, the composition, functions and powers of the Area Land Commission :

Provided that when the area Land Commission is empowered to decide any matter involving individual rights an appeal in the prescribed manner against such decisions shall lie to the Hyderabad Land Commission established under sub-section (1).

Additional functions of Tahsildar, Tribunal and Collector and vesting of powers in a Village Panchayat or a Co-operative Farming Society.

88. †[(1)] The Tahsildar, the Tribunal and the Collector shall, in addition to exercising the powers and discharging the duties conferred upon them by any provision of this Act, perform such other function in relation to this Act as may be prescribed and shall decide such other questions as may be referred to them by Government.

[†(2) The Government may by notification in the Jarida vest in any other officer or authority such as a Village Panchayat or a Co-operative Farming Society any of the powers or duties conferred by or under this Act on the Tahsildar, the Deputy Collector or the Collector.]

Procedure and powers at inquiries.

89. (1) The provisions of sections 149 and 150 of the Land Revenue Act shall apply to the recording of evidence and of decisions at inquiries held under this Act.

* Substituted by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

(2) For the purposes of any such inquiry the Tahsildar, Tribunal and Collector may exercise all or any of the powers conferred on Civil Courts by the †[Code of Civil Procedure, 1908] including the power to award costs.

Appeals and revisions.

†[90. (1) From every order other than an interim order passed by the Tahsildar or the Deputy Collector or the Tribrunal under this Act, an appeal shall lie to the Collector and the orders of the Collector on such appeal shall be final.

(2) From every original order other than an interim order passed by the Collector, an appeal shall lie to the Board of Revenue and the order of the Board of Revenue on such appeal shall be final.

(3) There shall be no appeal from any interim order passed by the Tahsildar or Deputy Collector or Tribunal or Collector in any case, but an application for revision on the grounds mentioned in section 91 shall lie from an interim order passed by the Tahsildar or Deputy Collector to the Collector.

Transfer of appeal or proceeding.

†90-A. The Collector may on his own motion or on an applicaton made in this behalf by any party to the proceedings, after due notice to the parties by an order in writing :—

(*a*) transfer any proceeding or any appeal under this Act pending before a Tahsildar or any other officer subordinate to him to any other officer in the district empowered in this behalf by the Government and the officer to whom the proceeding or appeal is so transferred shall thereupon exercise jurisdiction under this Act in any such proceeding or appeal, or

(*b*) withdraw any proceeding or appeal from such officer and himself hear and decide the same or transfer it for disposal to some other officer in the district empowered in this behalf by the Government.

Revisions.

†91. Notwithstanding anything contained in this Act or any other law for the time being in force, an application for revision shall lie to the High Court from any final order passed on appeal by the Collector or Board of Revenue on the following grounds :—

(*a*) that the original or appellate authority exercised a jurisdiction not vested in it by law, or,

(*b*) that the original or appellate authority failed to exercise a jurisdiction so vested, or,

(*c*) in following the procedure or passing the order, the original or appellate authority acted illegally or with material irregularity.]

Powers exercisable on appeal or revision.

92. An authority exercising appellate or revisional jurisdiction under this Act shall pass such order consistent with this Act, whether by way of confirmation, recession or modification of the order under appeal or revision, as appears to it to be just, and shall have the powers conferred on the original authority by sub-section (2) of section 89.

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†Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Limitations.

93. Every appeal and every application for revision under this Act shall be filed within sixty days from the date of the order against which the appeal or application is filed and the provisions of the † [Indian Limitation Act, 1908] shall apply for the purposes of the computation of the said period.

Execution of orders.

94. When an original, appellate or revisional order under this Act involves the payment of money by any person, the money shall be recoverable from such person as if it was an arrear of land revenue and where such order involves the putting of any person in possession of land it shall be executed † [in the prescribed manner.]

Court fees.

95. Notwithstanding anything contained in the Hyderabad Court Fees Act (VI of 1324 F.) every original application, every appeal and every application for revision filed under this Act shall bear a court fee stamp of such value as may be prescribed.

CHAPTER X.

Offences and Penalties.

Offences and penalties.

96. (1) Whoever contravenes any provision of any of the sections or sub-sections mentioned in the first column of the following table shall, on conviction for such contravention, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended to be definitions of the offences described in the sections or sub-sections mentioned in the first column, or even as abstracts of those sections and sub-sections, but are inserted merely as a reference to the subject-matter of the sections or sub-sections, the numbers of which are given in the first column.

[*Statement*

†Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Section, sub-section or clause	Subject	Fine which may be imposed
1	2	3
Section 6 ..	Making or taking a lease after three years from the commencement of the Act	1,000
Section 8 ..	Grant or acceptance of tenancy for more or less than 10 years ..	1,000
†[ ]	†[ ]	†[ ]
Section 14 (3) ..	Receipt of rent in the form of labour or service	1,000
Section 16 ..	Levy of cess, rate, tax or service which has been abolished ..	1,000
Section 19 (1) ..	Unlawful termination of tenancy ..	1,000
Section 29 (2) ..	Failure to give written receipt for the amount of rent received ..	100
Section *[32 (2)] ..	Taking possession of land or dwelling house	1,000

(2) Notwithstanding anything contained in the †[Code of Criminal Procedure, 1898] a contravention of the provisions of section 14 or section 16 shall be a cognisable offence.

General provision as to penalties.

†[96-A. Whoever contravenes any provision of this Act for which no penalty has been otherwise provided therein shall be punishable with fine not exceeding Rs. 500.]

CHAPTER XI.

Miscellaneous.

Rules.

97. (1) Government may by notification in the Jarida make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the admission, resignation and expulsion of members of Co-operative Farms registered under Chapter VIII;

†Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February., 1954.

*Amended by Act No. XIII of 1951, published in Gazette Extraordinary No. 18, dated 31st March, 1951.

(*b*) the consequences of such resignation or expulsion and the satisfaction of the claims of the member resigning or expelled as respects land, funds, agricultural stocks and implements, contributed by him to such Co-operative Farms;

(*c*) the remuneration and wages to be paid to members working on such Co-operative Farms;

(*d*) the payment of the expenses and other dues of such Co-operative Farms; and the distribution of the produce and profits thereof;

(*e*) the filing or defending of suits, and the manner of execution of contracts and other documents, by or on behalf of such Co-operative Farms;

(*f*) the liquidation of the personal debts of member of such Co-operative Farms and the regulation of their credit;

(*g*) the directions to be given by the Government for agricultural development and for controlled or planned agricultural production by such Co-operative Farms;

(*h*) the conduct generally of the affairs of such Co-operative Farms; and

(*i*) any other matter which is to be or may be prescribed.

*[(3) In making a rule under this Act the Government may provide that its contravention shall be punishable with fine not exceeding Rs. 500].

Summary eviction.

98. Any person unauthorisedly occupying or wrongfully in possession of any land—

(*a*) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act, or

(*b*) the management of which has been assumed under the said provisions, or

(*c*) to the use and occupation of which he is not entitled under the said provisions,

may, if the said provisions do not provide for the eviction of such person, be summarily evicted by the Collector.

Bar of Jurisdiction.

99. (1) †[Save as provided in this Act] no Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Tahsildar, Tribunal or Collector or by the Board of Revenue or Government.

(2) No order of the Tahsildar, Tribunal or Collector or of the Board of Revenue or Government made under this Act, shall be questioned in any Civil or Criminal Court.

Control.

100. Government shall have the same authority and control over Tahsildars, Collectors and the Board of Revenue acting under this Act as they have and exercise over them in the general land revenue administration.

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†Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

*Added by Act No. III of 1956, published in Gazette Extraordinary No. (29). dated 12th March, 1956.

Delegation of powers to the Board of Revenue.

*[100—A. The Government may by notification in the Jarida delegate to the Board of Revenue all or any of the powers conferred on Government by or under this Act subject to such conditions as may be specified in the notification.]

Indemnity.

101. No suit or other proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

Act not to apply to certain lands and areas.

102. Nothing in this Act shall apply—

‡(*a*) to lands leased, granted, alienated or acquired in favour of or by the Government, a local authority or a Co-operative Society :

*[Provided that nothing in this clause shall apply to Inams, †[lands dealt with under Chapter VI] and to such other lands as may be prescribed ;]

(*b*) to lands held on lease †[with the permission of the Collector] for the benefit of an industrial or commercial undertaking ;

(*c*) to service Inam lands ;

(*d*) to Inams held by religious or charitable institutions ; or

(*e*) to any area which Government may, from time to time, by notification in the Jarida, specify as being reserved for urban, non-agricultural or industrial development.

Repeal and saving.

103. ‡[(1)] The Prevention of Agricultural Land Alienation Act, (III of 1349F.) and the Hyderabad Assami Shikmis Act, (I of 1354F.) are hereby repealed :

Provided that any appointment, rule, order, notification or proclamation made or issued, any lease, right or liability granted, fixed, acquired or incurred, and any other thing done under either of the Acts repealed hereby shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been respectively made, issued, granted, fixed, acquired, incurred or done under this Act made, shall continue in force until it is superseded thereunder ;

‡[Provided further that the repeal of the said Acts shall not affect—

(*a*) the previous operation of the Acts repealed hereby or anything done or suffered thereunder ;

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed ;

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Acts so repealed;

* Amended by Act No. XXIII of 1951, published in Gazette Extraordinary No. (82), dated 30-6-1951.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4-2-1954.

‡ Amended by Act No. XIII of 1951, published in Gazette Extraordinary No. (18) dated 31st Mar.

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and, any such investigation, legal proceeding or remedy may be instituted, continued or enforced, or any such penalty, forfeiture or punishment may be imposed as if the said Acts aforesaid had not been repealed.

‡(2) Notwithstanding anything contained in the second proviso to sub-section (1), clause (*c*) of sub-section (2) of section 10 of the Prevention of Agricultural Land Alienation Act (III of 1349 F.) shall for the purposes of the said proviso have effect as though for the said clause the following clause was substituted, namely :—

'(*c*) if the amount received by the mortgagee from the mortgagor in case of a simple mortgage or the value of the benfits realised by the mortgagee from the possession of land together with the amounts paid by the mortgagor to the mortgagee in case of an usufructuary mortgage is less than the amount due, the Collector shall, on the mortgagor paying the amounts due in cash, terminate the mortgage by an order in writing and if the mortgagee is in possession of the land, he shall place the mortgagor in possession thereof. If the mortgagor fails to pay the amount due, the Collector shall order that the land, if it is already in the possession of the mortgagee shall continue to be in his possession for such period not exceeding 10 years, as may be considered by the Collector reasonable for the payment of the amount due after the expiry of which the land shall be restored to the possession of the mortgagor.]

104. This Act and any rule, order or notification made or issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment with respect to matters enumerated in List II in the Seventh Schedule to the Constitution of India or in any instrument having effect by virtue of any such other enactment. Act to prevail over other enactments.

‡ Amended by Act No. XIII of 1951, published in Gazette Extraordinary No. (18), dated 31st March, 1951.

THE HYDERABAD PUBLIC SERVANTS (TRIBUNAL OF INQUIRY) Act. 1950.

No. XXIII of 1950.

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8. Tribunal to report to Government.

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13. Repeal of Regulation XI of 1858 F.

THE HYDERABAD PUBLIC SERVANTS (TRIBUNAL OF INQUIRY) Act, 1950.

No. XXIII of 1950.

Whereas it is expedient to provide for the constitution of a Tribunal to inquire into allegations of misconduct including corruption, inefficiency or disloyalty to the Government of Hyderabad or to any other Government in India, on the part of public servants;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Public Servants (Tribunal of Inquiry) Act, 1950.

(2) It extends to the whole of the Hyderabad State and shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Prescribed" means prescribed by rules made under this Act;

(*b*) "Public Servant" means a person employed in a civil capacity, whether permanently or temporarily in the service of the Hyderabad State;

(*c*) "Tribunal" means the Tribunal constituted under section 3.

Constitution and composition of Tribunal.

3. (1) A Tribunal consisting of one or more members shall be constituted for the purpose of this Act.

(2) Every member of the Tribunal shall be a judicial officer who has been employed as a Sessions Judge in the territory of India for a period of not less than three years.

(3) Every member of the Tribunal shall be appointed by the Chief Minister and shall hold office for such period as he may determine.

References to Tribunal

4. Government may, and in such cases, if any, as may be prescribed, shall refer to the Tribunal for enquiry and report any case involving an allegation of misconduct or inefficiency or disloyalty on the part of a public servant.

Powers of Tribunal.

5. For the purposes of an inquiry into a case referred to it under section 4, the Tribunal shall have the same powers as are vested in a Civil Court under the Hyderabad Code of

Civil Procedure, 1323 F., when trying a suit in respect of the following matters, namely :-

(*a*) enforcing the attendance of any person and examining him on oath;

(*b*) compelling the production of documents;

(*c*) issuing commissions for the examination of witnesses; and every inquiry by the Tribunal shall be deemed to be a judicial proceeding within the meaning of section 169 and 205 of the Hyderabad Penal Code.

Procedure of Tribunal.

6. (1) If the Tribunal consists of more than one member, an inquiry into a case referred to the Tribunal under section 4 shall be held by the members sitting together or by a single member of the Tribunal as the Chairman may direct, and where the members sit together the evidence shall be recorded by such members as the Chairman may direct.

(2) Unless the Chairman otherwise directs, all the proceedings at any such inquiry shall be held in camera and no legal practitioner shall be allowed to appear.

(3) The procedure at any such inquiry shall, subject to sub-sections (1) and (2) be such as may be prescribed.

Special rule of evidence.

7. If a case referred to the Tribunal under section 4 involves an allegation of misconduct in the nature of corruption, evidence may be tendered to prove that the accused public servant or any other person on his behalf, is in possession of pecuniary resources or property disproportionate to his known source of income for which he cannot satisfactorily account, and upon such proof, the Tribunal shall presume, unless the contrary is proved, that the accused person is guilty of misconduct.

Tribunal to report to Government.

8. On the conclusion of an inquiry, the Tribunal shall report its findings to Government and where it finds that public servant, concerned has been guilty of misconduct, inefficiency or disloyalty, shall recommend which of the following penalties shall be imposed upon him, namely :—

(1) Censure;

(2) Withholding of increments or promotion including stoppage at an efficiency bar ;

(3) Reduction to a lower post or time scale or to a lower stage in a time scale ;

(4) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders ;

(5) Compulsory retirement before completion of 25 years qualifying service ;

(6) Removal from the service of Government ;

(7) Dismissal from the service of Government ,

9. Government shall consider the report of the Tribunal and pass such orders thereon as it thinks fit: Orders of Government.

Provided that where Government proposes to impose a penalty involving reduction in rank or the penalty of removal or dismissal from service of Government, Government shall give to the public servant concerned a reasonable opportunity of showing cause why the proposed penalty should not be imposed, and shall, before imposing such penalty, consider any cause shown within such period as may be prescribed.

*[10. Omitted.]

11. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder. Protection of action taken under the Act.

12. (1) Government may, by notification in the Jarida, make rules for the purpose of giving effect to the provision of this Act. Rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for any matters which are to be, or may be, prescribed.

(3) Rules made under this section shall have effect as if enacted in this Act.

13. The Public Servants (Departmental Inquiry) Regulation 1358 F., save as respects things done thereunder before the commencement of this Act, is hereby repealed: Repeal of Regulation XI of 1358 F.

Provided that any case referred to the Board constituted under the said Regulation and not disposed of before the commencement of this Act may, unless Government transfers the same, as it is hereby empowered to do, to the Tribunal constituted under this Act, be disposed of under the said Regulation as if the same had not been repealed.

* Omitted by Act No. X of 1954, published in Gazette Extraordinary No. 91, dated 21st April, 1954.

THE NIZAM'S TRUST DEEDS (VALIDATION) ACT, 1950

No. XXIV of 1950.

CONTENTS.

SECTIONS.

1. Short title and commencement.

2. Definition.

3. Provision of Scheduled Trust Deeds to have the force of law.

THE NIZAM'S TRUST DEEDS (VALIDATION) ACT, 1950

No. XXIV of 1950.

Whereas His Exalted Highness the Nizam has executed the trust deeds specified in the schedule to this Act ;

And whereas it is expedient that all the provisions of the said trust deeds should have the force of law ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Nizam's Trust Deeds (Validation) Act, 1950. Short title and commencement.

(2) It shall be deemed to have come into force in relation to any Schedule trust deed from the date on which such deed was executed.

2. " Scheduled trust deed " means a trust deed specified in the schedule. Definition.

3. All the provisions of any Scheduled trust deed shall, notwithstanding anything contained in any other law for the time being in force, be valid and effectual for all purposes and shall have the force of law. Provision of Scheduled trust deeds to have the force of law.

SCHEDULE.

(*See Section* 2).

SCHEDULED TRUST DEEDS.

1. Trust Deed, dated the 8th October 1949, for Rs. 1,82,00,000 (rupees one crore and eighty-two lacs) for the benefit of Walashan Prince Moazzam Jah Bahadur, the younger son H.E.H. the Nizam.

2. Trust Deed, dated the 8th October, 1949, for Rs. 30,00,000 (rupees thirty lacs) for the benefit of Princess Niloufer, wife of the said Walashan Prince Moazzam Jah Bahadur.

3. Trust Deed, dated the 8th January 1950, for Rs. 1,82,00,000 (rupees one crore and eighty-two lacs) for the benefit of Walashan Prince Azam Jah Bahadur, the Prince of Berar, the elder son of H.E.H. the Nizam.

4. Trust Deed, dated the 8th January, 1950, for Rs. 30,00,000 (rupees thirty lacs) for the benefit of Princess Durre Shahvar, the Princess of Berar, wife of the said Walashan Prince Azam Jah Bahadur.

5. Trust Deed, dated the 8th January, 1950, for Rs. 2,12,00,000 (rupees two crores and twelve lacs) for the benefit of Prince Mukarram Jah Bahadur and Prince Mufakkam Jah Bahadur, the sons of the said Walashan Prince Azam Jah Bahadur.

6. Trust Deed, dated the 27th March, 1950, for Rs. 50,00,000 (rupees fifty lacs) for the benefit of Sahebzada Nawab Basalat Jah Bahadur, step-brother of H.E.H. the Nizam.

7. Trust Deed, dated the 10th May, 1950, for Rs. H.S. 9,00,00,000 (rupees nine crores Hali Sicca) for the benefit of the relatives of H.E.H. the Nizam specified in the second Schedule thereto.

*[8. Trust Deed, dated the 14th June, 1950, for Rs. 2,50,00,000 (rupees two crores and fifty lacs) for the benefit of the " Sahebzadas of Sarf-e-Khas " who are the surviving descendants of successive Nizams and are specified in the Second Schedule thereto.

*9. Trust Deed dated the 14th June, 1950, for Rs. 35,00,000 (rupees thrity five lacs) for providing suitable houses to certain members of the family of H.E.H. the Nizam, specified in the Second Schedule thereto.

*10. Trust Deed dated the 6th August, 1950, for H.S. Rs. 4,50,00,000 (rupees four crores and fifty lacs, Hali Sicca) and I.G. Rs. 33,00,000 (rupees thrity-three lacs) for the benefit of those members of the Nizam's family and dependents who are specified in Schedule two to six thereto.

*11. Trust Deed dated the 14th September, 1950, for Rs. 40,00,000 (rupees forty lacs) for maintenance and upkeep of certain shrines and religious institutions in and outside Hyderabad and for annual religious offerings to the sacred places of the Muslims in Hedjaz and Iraq.

*12. Trust Deed dated the 14th September, 1950, for Rs. 6,00,000 (rupees six lacs) for the benefit of the three step-sisters of H.E.H. the Nizam and their husbands.

*13. Trust Deed dated the 2nd November, 1950, for the preservation and safe custody of the sacred relics of H.E.H. the Nizam's family and specified in the Schedule thereto.

*14. Trust Deed dated the 2nd November, 1950, for Rs. 22,20,000 (rupees twenty-two lacs and twenty thousand) for defraying the expenses of Haj and pilgrimage to various holy places in Hedjaz and Iraq and for such other religious or charitable purposes during and after the life-time of H.E.H. the Nizam.

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* Added by the Act No. XXXIII of 1951, published in the Extraordinary Gazette No. 54 dated the 29th November, 1951.

*15. Trust Deed dated the 29th December, 1950, for Rs. 55,00,000 (rupees fifty-five lacs) for providing the members of H.E.H. the Nizam's family with pocket money every month, as specified in the Second Schedule thereto.

*16. Trust Deed dated the 29th December, 1950, for Rs. 1,25,000 (rupees one lac and twenty-five thousand) for the publication and sale of the Urdu and Persian Poems of H.E.H. the Nizam.

*17. Trust Deed dated the 29th March, 1951, in respect of the personal jewellery of H.E.H. the Nizam and Rs. 10,00,000 (rupees ten lacs) set aside for meeting the expenditure in connection with the trust.

*18. Trust Deed dated the 29th March, 1951, for Rs. 2,00,000 (rupees two lacs) for the upkeep and maintenance of the Madrasai-Huffaz and the preservation of the unique volumes of the Holy Book which have been preserved in the family of H.E.H. the Nizam.

*19. Trust Deed dated the 29th March, 1951, for Rs. 3,50,000 (rupees three lacs and fifty thousand) for the completion of the " Azakhana Zohra " and for its maintenance.

*20. Trust Deed dated the 29th March, 1951, for Rs. 3,00,000 (rupees three lacs) for the upkeep and maintenance of " Bibi-ka-Alam " and " Koh-e- Maula " and for performing certain religious ceremonies in those places every year.

*21. Trust Deed dated the 4th September, 1951, creating a Trust entitled " The wedding gifts Trust of H.E.H. the Nizam's two grand-daughters " for the benefit of the said grand-daughters namely, Fatima Fouzia and Amina Marzia.

*22. Trust Deed dated the 4th September, 1951, creating a Trust entitled " The wedding gifts Trust of H.E.H. the Nizam's two grandsons " for the benefit of the said grandsons namely, Prince Mukarram Jah Bahadur and Prince Mufakkam Jah Bahadur.

*23. Trust Deed dated the 4th September, 1951, creating a Trust entitled " H.E.H. the Nizam's grandsons' pocket-money Trust " for the benefit of his two grandsons namely, Prince Mukkarram Jah Bahadur and Prince Mufakkam Jah Bahadur.]

** [24. Trust Deed dated the 27th January, 1952, in respect of five boxes of personal Jewellery of H.E.H. the Nizam of Hyderabad and Rs. 25,000 (rupees twenty-five thousand) set aside for meeting the expenditure of the Trust.

* Added by Act No. XXXIII of 1951, published in the Extraordinary Gazette No. 54, dated 29th November, 1951.

** Added by Act No. XIII of 1952, published in the Extraordinary Gazette No. 28, dated 18th March, 1952.

*25. Trust Deed dated the 27th January, 1952, for Rs. 8,50,000 (rupees eight lakhs and fifty thousand) as a Supplement to the Religious Endowments Trust, dated the 14th September, 1950, for maintenance and upkeep of certain shrines and religious institutions in Hyderabad.

*26. Trust Deed dated the 27th January, 1952, as a Supplement to the Sacred Relics Trust, dated the 2nd November, 1950, for the preservation and safe custody of certain additional Sacred Relics of H. E. H. the Nizam's family, as specified in the schedule thereto.

*27. Trust Deed dated the 28th February, 1952, in respect of Six Boxes of personal Jewellery of H.E.H. the Nizam of Hyderabad and Rs. 2,00,000 (rupees two lakhs) set aside for meeting the expenditure of the Trust.

*28. Trust Deed dated the 28th February, 1952, for Rs. 6,00,000 (rupees six lakhs) as a Supplement to the Family Trust, dated the 10th May, 1950, for the benefit of the relatives of H.E.H. the Nizam specified therein.]

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* Added by Act No. XIII of 1952, published in Gazette Extraordinary No. (28) dated 18th March 1952.

THE GOVERNMENT SERVANTS (EXEMPTIONS FROM ATTACHMENT) (DETERMINATION OF EXTENT) ACT, 1950.

No. XXVIII OF 1950.

CONTENTS.

SECTIONS.

1. Short title and commencement.

2. Certain exemptions from attachment not affected by death of Government servant concerned.

3. Effect of section 303, Hyderabad Civil Procedure Code in relation to certain deductions from salary.

THE GOVERNMENT SERVANTS (EXEMPTIONS FROM ATTACHMENT) (DETERMINATON OF EXTENT) ACT, 1950.

No. XXVIII OF 1950.

Whereas it is expedient to resolve doubts which have arisen regarding the extent of certain exemptions from attachment conferred by section 303 of the Hyderabad Civil Procedure Code in relation to Government servants ;

It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Government Servants (Exemptions from Attachment) (Determination of Extent) Act, 1950.

(2) It shall come into force from the date of its publication in the Jarida.

Certain exemptions from attachment not affected by death of Government servant concerned.

2. Where any sum payable to a Government servant by way of salary or pension or under the rules of a Provident or Insurance Fund maintained by Government is exempt from attachment under section 303 of the Hyderabad Civil Procedure Code, such sum shall remain exempt from attachment notwithstanding the fact that owing to the death of the Government servant it is payable to some other person.

Effect of section 303, Hyderabad Civil Procedure Code in relation to certain deductions from salary.

3. Where under the rules of a Provident or Insurance Fund maintained by Government a subscription thereto or deposit therein is not, until the happening of a specified contingency, repayable on demand otherwise than for a purpose specified in the rules of the Fund, the whole of the amount deducted from the salary or allowance of a Government servant on account of a subscription to, or deposit in, the Fund shall be deemed for the purposes of clause (*m*) of section 303 of the Hyderabad Civil Procedure Code to have been deducted by order notwithstanding the fact that it was within the option of the Government servant to subscribe or deposit an amount less than the amount deducted.

THE HYDERABAD (LANGUAGE OF JUDGEMENTS AND ORDERS) ACT, 1950.

No. XXIX of 1950.

CONTENTS.

Sections.

1. Short title and commencement.

2. Language of judgements and orders.

THE HYDERABAD (LANGUAGE OF JUDGMENTS AND ORDERS) ACT, 1950.

No. XXIX of 1950.

Whereas the law in force in the Hyderabad State requires the judgments and orders of Civil and Criminal Courts, other than the High Court, to be recorded in Urdu ;

And Whereas it is expedient to authorise such Courts to record judgments and orders in the English language ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Hyderabad (Language of Judgments and Orders) Act, 1950.

(2) It shall come into force at once.

Language of judgments and orders.

2. (1) Notwithstanding anything contained in the Hyderabad Civil Procedure Code, the Hyderabad Criminal Procedure Code, or any other law for the time being in force, the presiding officer of any Civil or Criminal Court may record, any judgment, or order in the English language.

(2) Nothing in this section applies to the High Court.

THE HYDERABAD DISTRICT OFFICERS (CHANGE OF DESIGNATION AND CONSTRUCTION OF REFERENCES) ACT, 1950.

No. XXXV OF 1950.

CONTENTS

SECTIONS.

Preamble.

1. Short title, extent and commencement.

2. Change of designation of certain District Officers.

3. Construction of references in laws, regulations, etc., to Civil Administrator, Deputy Civil Administrator, etc.

*THE HYDERABAD DISTRICT OFFICERS (CHANGE OF DESIGNATION AND CONSTRUCTION OF REFERENCES) ACT, 1950.

No. XXXV OF 1950.

An Act to provide for change of designation of and construction of references to certain District Officers.

Preamble.

Whereas it is expedient to provide for the change of designation of, and construction of references to certain District Officers;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad District Officers (Change of Designation and Construction of References) Act, 1950.

(2) It shall extend to the whole of the Hyderabad State.

(3) It shall be deemed to have come into force on the 1st November, 1950.

Change of designation of certain District Officers.

2. The designation of Officers serving the Government of Hyderabad immediately before the commencement of this Act as a—

(*a*) (*i*) Civil Administrator,

(*ii*) Deputy Civil Administrator,

(*iii*) Assistant Civil Administrator,

(*iv*) Taluqdar,

(*v*) Additional Taluqdar, and

(*vi*) Second Taluqdar—

shall be respectively altered to that of a—

†[(*b*) (*i*) Collector,

(*ii*) Deputy Collector or Assistant Collector,

(*iii*) Tahsildar,

(*iv*) Collector,

(*v*) Additional Collector,

(*vi*) Deputy Collector or Assistant Collector.]

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*Published in the Extraordinary Gazette No. 68, dated the 23rd November, 1950.

†Substituted by Act No. XV of 1955, published in Gazette Extraordinary No. 134, dated 28-10-1955.

Provided that—

(*a*) where for the same area there is a Civil Administrator and a Taluqdar, the Taluqdar shall be designated as Additional Collector;

†[(*b*) where for the same area there is a Deputy Civil Administrator and a Second Taluqdar, the Second Taluqdar shall be designated as Additional Deputy Collector or Additional Assistant Collector;]

(*c*) where for the same area there is an Assistant Civil Administrator and a Tahsildar, the Tahsildar shall be designated as Additional Tahsildar.

Construction of references in laws, regulations, etc., to Civil Administrator, Deputy Civil Administrator, etc.

3. (1) All Laws, Regulations, Notifications, Orders, Bye-laws and instruments, which immediately before the commencement of this Act were in force in the Hyderabad State, shall be construed as if references therein to the designations mentioned in sub-clauses (*i*) to (*vi*) of clause (*a*) of section 2, were respectively references to the designations specified in sub-clauses (*i*) to (*vi*) of clause (*b*) thereof.

(2) In order that there may not be more than one officer as Collector, Deputy Collector or Tahsildar for the same area, the Government or other competent authority may, notwithstanding the provisions of sub-section (1), appoint an officer as Additional Collector, Additional Deputy Collector and Additional Tahsildar instead of as Collector, Deputy Collector and Tahsildar respectively.

†. Substituted by Act No. XV of 1955, published in Gazette Extraordinary No. 134, dated 28-10-1955.

THE HYDERABAD SHOPS AND ESTABLISHMENTS ACT, 1951.

No. X OF 1951.

CONTENTS.

SECTIONS.

Preamble.

1. Short title, extent and commencement.

CHAPTER I.

Preliminary.

2. Definitions.
3. Reference to time of day
4. Exemptions.
5. Power of Government to apply Act to exempted persons or establishments.
6. Exemptions.

CHAPTER II.

Shops.

7. Opening and closing hours of shops.
8. Selling outside shops prohibited after closing hours.
9. Daily and weekly hours of work in shops.
10. Spread over of periods of work.
11. Closing of shops and grant of holidays.

CHAPTER III.

Establishments other than shops.

12. Application of this Chapter to establishments other than shops.
13. Opening and closing hours.
14. Daily and weekly hours of work.
15. Spread over of periods of work.
16. Holidays.

CHAPTER IV.

Employment of Children and young persons.

17. Children not to work in establishments.
18. Young persons to work only between 6 A.M. and 7 P.M.
19. Daily and weekly hours of work for young persons.

CHAPTER V.

Holidays with wages.

20. Holidays and sick leave.
21. Pay during annual holidays.
22. Power to increase the number of holidays.
23. Power of Inspector to act for person employed.

CHAPTER VI.

Wages.

24. Responsibility for payment of wages.
25. Fixation of wage period.
26. Wages for overtime work.
27. Time of payment of wages.
28. Wages to be paid in current coin or currency notes.
29. Deductions which may be made from Wages.
30. Fines.
31. Deductions for absence from duty.
32. Deductions for damage or loss.
33. Deduction for services rendered.
34. Deductions for recovery of advances.
35. Deduction for payment to Co-operative Societies and Insurance Schemes.
36. Conditions of dismissal.
37. Employment for a period of not less than six months not to be given up without notice.

CHAPTER VII.

Appointment, Powers and Duties of Chief Inspector and Inspectors.

38. Appointment of Inspectors and Chief Inspectors.
39. Powers and duties of Inspectors.
40. Chief Inspector and Inspectors to be public servants.

CHAPTER VIII.

Penalties for offences.

41. Penalties.
42. Penalty for obstructing Chief Inspector, Inspector, etc.

43. Cognizance of offences not to be taken by Court without complaint in writing by Chief Inspector or Inspector.

44. Offences to be tried by Courts not inferior to Second class Magistrates.

CHAPTER IX.

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45. Maintenance of registers and records and display of notices.

46. Delegation of powers.

47. Powers to make rules.

48. Rights and Privileges under other laws, etc., not affected.

49. Government to decide certain questions.

50. Power of Government to suspend provisions of the Act during fairs and festivals.

*THE HYDERABAD SHOPS AND ESTABLISHMENTS ACT, 1951.

No. X OF 1951.

An Act to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes.

Whereas it is expedient to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad Shops and Establishments Act, 1951. Short title, extent and commencement.

(2) This section shall come into force at once.

(3) The State Government may, from time to time, by notification direct that the remaining provisions of this Act shall come into force on such date and in such area as may be specified in the notification.

CHAPTER I.

Preliminary.

2. In this Act, unless there is anything repugnant in the subject or contex— Definitions.

(1) "apprentice" means a person who is employed, whether on payment of wages or not, for the purpose of being trained in any trade, craft or employment in any establishment;

(2) "Chief Inspector" means the Chief Inspector appointed as such under section 38;

(3) "child" means a person who has not completed twelve years;

(4) "closed" means not open for the service of any customer or for any business connected with the establishments;

(5) "commercial establishment" means an establishment which s not a shop but which carries on the business of advertising, commission forwarding or commercial agency, or which is a clerical department of a factory or industrial undertaking or

*Published in the Extraordinary Gazette No. 9, dated 28th February, 1951.

which is an insurance company, joint stock company, bank, broker's office or exchange and includes such other establishment as the State Government may by notification declare to be a commercial establishment for the purposes of this Act;

(6) "day" means the period of twenty-four hours beginning at midnight:

Provided that in the case of a person employed, whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning from the time when such employment commences;

(7) "employer" means a person owning, or having charge of, the business of an establishment and includes the manager, agent, or other person acting in the general management or control of an establishment;

(8) "establishment" means a shop, commercial establishment, restaurant, eating-house, residential hotel, theatre or any place of public amusement or entertainment and includes such establishment as the State Government may by notification declare to be an establishment for the purposes of his Act;

*[(9) "factory" means any premises which are a factory within the meaning of clause (*m*) of section 2 of the Factories Act, 1948 (LXIII of 1948), or which is declared to be a factory under section 4 of that Act;]

(10) "Inspector" means an Inspector appointed under section 38;

(11) "notification" means a notification in the Jarida;

(12) "opened" means opened for the service of any customer;

(13) "periods of work" means the time during which a person employed is at the disposal of the employer;

(14) "person employed" means—

(*i*) in the case of a shop, a person wholly or principally employed therein in connection with the business of the shop;

(*ii*) in the case of a factory or an industrial undertaking, a member of the clerical staff employed in such factory or undertaking;

(*iii*) in the case of a commercial establishment other than a clerical department of a factory or an industrial undertaking, a person wholly or principally employed in connection with the business of the establishment, and includes a peon;

*Substituted by Act No. XXX of 1952, published n Gazette Extraordinary No. 126, dated 25th July, 1952.

(*iv*) in the case of a restaurant or eating-house, a person wholly or principally employed in the preparation or the serving of food or drink or in attendance on customers or in cleaning utensils used in the premises or as a clerk or cashier;

(*v*) in the case of a theatre, a person employed as an operator, clerk, door-keeper, usher or in such capacity as may be specified by the State Government by general or special order;

(*vi*) in the case of an establishment not falling under paragraphs (*i*) to (*v*) a person wholly or principally employed in connection with the business of the establishment and includes a peon;

(*vii*) in the case of all establishments an apprentice or any person wholly or principally employed in cleaning any part of the premises; but does not include the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;

(15) "prescribed" means prescribed by rules made under this Act;

(16) "residential hotel" means any premises in which business is carried on *bona fide* for the supply of dwelling accommodation and meals on payment of a sum of money to a traveller or any member of the public;

(17) "restaurant" or "eating-house" means any premises in which is carried on wholly or principally the business of the supply of refreshments or meals to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre;

(18) "shop" means any premises where any trade or business is carried on or where services are rendered to customers and includes offices, store-rooms, godowns and warehouses, whether in the same premises or otherwise, used in connection with such business but does not include a restaurant, eating-house or commercial establishment;

(19) "theatre" includes any place intended principally or wholly for the presentation of moving pictures or for dramatic performances;

(20) "wages" means wages as defined in the *[Payment of Wages Act, 1936 (IV of 1936)];

(21) "week" means a period of seven days beginning at midnight on Saturday;

(22) "young person" means a person who is not a child and has not completed seventeen years.

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*Substituted by Act No. XXX of 1952, published in Gazette Extraordinary No. 126, dated 25th July, 1952.

Reference to time of day.

3. References to time of day in this Act are references to Indian Standard Time.

Exemption.

4. (1) Nothing contained in this Act shall apply to—

(*a*) persons employed in any establishment in a position of management;

(*b*) persons whose work involves travelling and persons employed as watchmen, canvassers and caretakers;

(*c*) establishments under the Union and State Governments, local authorities, and cantonment authorities;

(*d*) establishments in mines;

(*e*) establishments in bazaars in places where fairs or festivals are held temporarily for a period not exceeding one month at a time;

(*f*) hospitals and other institutions for the treatment or care of the sick, the infirm, the destitute or the mentally unfit;

(*g*) establishments in banks.

(2) Nothing contained in section 7 or section 13, as the case may be, shall apply to—

(*a*) such chemists' or druggists' shops as the State Government may by general or special order specify;

(*b*) clubs and residential hotels, hostels attached to schools or colleges, and establishments maintained in connection with the boarding and lodging of pupils and resident masters;

(*c*) stalls and refreshment rooms at railway stations or air ports;

(*d*) establishments wholly or principally engaged in the sale of ice, aerated waters or funeral requisites.

Power of Government to apply Act to exempted persons or establishments.

5. Notwithstanding anything contained in section 4, the State Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clause (*c*) of sub-section (1), and modify or cancel any such notification.

Exemptions

6. The State Government may, by notification, exempt either permanently or for any specified period, any establishment or class of establishments, or person or class of persons, from all or any of the provisions of this Act, subject to such conditions as the State Government deem fit.

CHAPTER II.

SHOPS.

Opening and closing hours of shops.

7. (1) No Shop shall on any day be opened earlier or closed later than such hour as may be fixed by the State Government, by a general or special order in that behalf:

Provided that any customer who was being served or was waiting to be served in any shop at the hour fixed for its closing may be served during the half hour immediately following such hour.

(2) Before passing an order under sub-section (1), the State Government shall hold an inquiry in the prescribed manner.

(3) The State Government may, for the purposes of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

Selling outside shops prohibited after closing hours.

8. No person shall carry on, in or adjacent to a street or public place, the sale of any goods after the hour fixed under section 7 for the closing of shops dealing in the same class of goods in the locality in which such street or public place is situated:

Provided that nothing in this section shall apply to the sale of newspapers.

Daily and weekly hours of work in shops.

9. (1) Subject to the provisions of this Act, no person employed in any shop shall be required or allowed to work therein for more than eight hours in any day and forty-eight hours in any week excluding the interval for rest allowed under sub-section (2):

Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under this sub-section subject to payment of over-time wages if the period of work excluding such interval for rest but including over-time work does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any shop shall be required or allowed to work therein for more than five hours in any day unless he has had an interval for rest of at least one hour:

Provided that any customer who was being served at the end of the five-hour work period may be served during the half-hour immediately following the end of the said work period.

Spread over of periods of work.

10. The periods of work of a person employed in a shop shall be so arranged that along with his intervals for rest they shall not spread over more than twelve hours in any day.

Closing of shops and grant of holidays.

11. (1) Every shop shall remain entirely closed on one day of the week which day shall be specified by the shop keepers in a notice permanently exhibited in a conspicuous place in the shop; and the day so specified shall not be altered by the shopkeeper more often than once in three months.

(2) Every person employed in a shop shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorised leave, is less than six days, or entitle a person who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of sub-section (1) to an additional holiday.

(3) No deduction shall be made from the wages of any person employed in a shop on account of any day on which it has remained closed or a holiday has been allowed in accordance with this section ; and if such person is employed on the basis that he would not ordinarily receive wages for such day he shall none-the-less be paid for such day the wages he would have drawn, had the shop not remained closed, or had the holiday not been allowed, on that day.

CHAPTER III.

Establishments other than Shops.

Application of this Chapter to establishments other than shops.

12. The provisions of this Chapter shall apply only to establishments other than shops.

Opening and closing hours.

13. (1) No establishment shall on any day be opened earlier or closed later than such hour as may be fixed by the State Government by general or special order in that behalf :

Provided that in the case of a restaurant or eating-house, any customer who was being served or was waiting to be served therein at the hour fixed for its closing may be served during the half hour immediately following such hour.

(2) Before passing an order under sub-section (1) the State Government shall make an inquiry in the prescribed manner.

(3) The State Government may, for the purposes of this section, fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.

Daily and weekly hours of work.

14. (1) Subject to the provisions of this Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week excluding the interval for rest allowed under sub-section (2) :

Provided that any such person may be allowed to work in such establishment for any period in excess of the limit fixed under this sub-section subject to payment of overtime wages, if the period of work excluding such interval for rest but including over-time work does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any establishment shall be required or allowed to work in such establishment for more than five hours in any day unless he has had an interval for rest of at least one hour:

Provided that any customer who was being served at the end of the five-hour work period may be served during the half hour immediately following the end of the said work period.

Spread over of periods of work.

15. The periods of work of a person employed in an establishment shall be so arranged that along with his intervals for rest, they shall not spread over more than twelve hours in any day.

Holidays.

16 (1) Every person employed in any establishment shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorized leave, is less than six days.

(2) No deduction shall be made from the wages of any person employed in any establishment on account of any day on which a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day, he shall nonethe-less be paid for such day the wages he would have drawn had the holiday not been allowed on that day.

CHAPTER IV.

Employment of Children and Young Persons.

Children not to work in establishments.

17. No child shall be required or allowed to work in any establishment.

Young persons to work only between 6 a. m. and 7 p. m.

18. No young person shall be required or allowed to work in any establishment before 6 a.m. and after 7 p.m.

Daily and weekly hours of work for young persons.

19. Notwithstanding anything contained in this Act, no young person shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week excluding any interval for rest nor shall person be allowed to work overtime.

CHAPTER V.

Holidays with Wages.

Holidays and sick leave.

20. (1) Every person employed in any establishment shall be entitled, after twelve months' continuous service, to holidays with wages for a period of twelve days, in the subsequent

period of twelve months, provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days.

(2) Every person employed in any establishment shall also be entitled during his first twelve months of continuous service after the commencement of this Act, and during every subsequent twelve months of such service—

(*a*) on production of a medical certificate granted by a medical practitioner of prescribed qualifications, to leave with wages for a period not exceeding twelve days on the ground of any sickness incurred or accident sustained by him, and

(*b*) to casual leave with wages for a period not exceeding twelve days on any reasonable ground.

(3) Every person employed in any establishment shall also be entitled to holidays with pay on the days specified from time to time by the State Government by notification.

(4) If a person entitled to any holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay the amount payable under this Act in respect of the holidays.

(5) If a person entitled to any leave under sub-section (2) is discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (4).

(6) A person employed shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (*i*) by sickness, accident, or authorized leave (including authorized holidays), not exceeding ninety days in the aggregate for all three, or (*ii*) by a lock-out; or (*iii*) by a strike which is not an illegal strike; or (*iv*) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorized leave shall be deemed not to include any weekly holiday allowed under this Act which occurs at the beginning or end of interruption brought about by the leave.

Pay during annual holidays.

21. Every person employed shall, for the holidays or the period of the leave allowed under sub-section (1) or (2) or (3) of section 20, be paid at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months exclusive of any earnings in respect of overtime.

22. Notwithstanding anything contained in section 20, the State Government may, by notification, increase the total number of annual holidays and the maximum number of days up to which such holidays may be accumulated in respect of any establishment or class of establishments. Power to increase the number of holidays.

23. Any Inspector may institute proceedings on behalf of any person employed to recover any sum required to be paid under this Chapter by an employer which he has not paid. Power of Inspector to act for person employed.

CHAPTER VI.

Wages.

24. Every employer shall be responsible for the payment to persons employed by him of all wages and sums required to be paid under this Act. Responsibility for payment of wages.

25. (1) Every employer shall fix periods (in this Act referred to as wage periods) in respect of which such wages shall be payable. Fixation of wage period.

(2) No wage period shall exceed one month.

26. Where any person employed in any establishment is required to work overtime, he shall be entitled, in respect of such overtime work, to wages at one and half times the ordinary rate of wages. Wages for overtime work.

Explanation.—For the purpose of this section the expression "ordinary rate of wages" shall mean such rate of wages as may be calculated in the manner prescribed.

27. (1) The wages of every person employed shall be paid before the expiry of the fifth day after the last day of the wage period in respect of which the wages are payable. Time of payment of wages.

(2) Where the employment, of any person is terminated by or on behalf of the employer, the wages, earned by such person shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(3) The State Government may, by general or special order, exempt an employer from the operation of this section in respect of the wages of any person employed or class of persons employed to such extent and subject to such conditions as may be specified in the order.

(4) All payments of wages shall be made on a working day.

28. All wages shall be paid in current coin or currency notes or in both. Wages to be paid in current coin or currency notes.

Deductions which may be made from wages.

29. (1) The wages of a person employed shall be paid to him without deductions of any kind except those authorized by or under this Act.

Explanation.—Every payment made by a person employed to the employer shall, for the purposes of this Act, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely :—

(*a*) fines ;

(*b*) deductions for absence from duty ;

(*c*) deductions for damage to, or loss of, goods expressly entrusted to the employed persons for custody or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default ;

(*d*) deductions for house accommodation supplied by the employer ;

(*e*) deductions for such amenities and services supplied by the employer as the State Government may by general or special order, authorize ;

(*f*) deductions for recovery of advances or for adjustment or overpayments of wages ;

(*g*) deductions of income-tax payable by the employed person ;

(*h*) deduction required to be made by order of a court or other authority competent to make such order ;

(*i*) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Provident Funds Act, 1357 F., applies or any recognised provident fund as defined in section 58-A of the Indian Income-tax Act, 1922, or any provident fund approved in this behalf by the State Government during the continuance of such approval ;

(*j*) deductions for payments to Co-operative Societies approved in this behalf by the State Government or to a scheme of insurance maintained by any insurance company approved in this behalf by the State Government ;

(*k*) deductions made with the written authorization of the employed person in furtherance of any savings scheme approved by the State Government for the purchase of securities of the Union or State Government.

Fines.

30. (1) No fine shall be imposed on any person employed save in respect of such acts and omissions on his part as the employer, with the previous approval of the State Government or of the prescribed authority, may have specified by notice under sub-section (2).

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on.

(3) No fine shall be imposed on any person employed until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage period on any person employed shall not exceed an amount equal to half-an-anna in the rupee of the wages payable to him in respect of that wage period.

(5) No fine shall be imposed on any person employed who has not completed his fifteenth year.

(6) No fine imposed on any person employed shall be recovered from him after the expiry of sixty days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed; and all such realizations shall be applied only to such purposes beneficial to the persons employed in the establishment as are approved by the prescribed authority.

Explanation.—When the persons employed are part only of a staff employed under the same management, all such realizations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

Deductions for absence from duty.

31. (1) Deductions may be made under clause (*b*) of sub-section (2) of section 29 only on account of the absence of an employed person from the place or places where, by the terms of his employement, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage period for which the deduction is made, a larger proportion than the period for which he was absent bears to the total period, within such wage period during which by the terms of his employment, he was required to work:

Provided that, subject to any rules made in this behalf by the State Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say, without giving the notice which is required under the terms of their contract of employment), and without reasonable cause,

such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

Explanation.—For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work if, although present in such place, he refuses, in pursuance of a stay-in-strike or for any other cause which is not reasonable in the circumstances, to carry out his work.

Deductions for damage or loss.

32. (1) A deduction under clause (*c*) of sub-section (2) of section 29 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the person employed and shall not be made until the person employed has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions.

(2) All such deductions and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed.

Deduction for services rendered.

33. A deduction under clause (*d*) or clause (*e*) of sub-section (2) of section 29 shall not be made from the wages of a person employed unless the house accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and in the case of a deduction under the said clause (*e*) shall be subject to such condition as the State Government may impose.

Deductions for recovery of advances.

34. Deduction under clause (*f*) of sub-section (2) of section 29 shall be subject to the following conditions, namely :—

(*a*) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage period, but no recovery shall be made of such advances given for travelling expenses ;

(*b*) recovery of advances of wages not already earned shall be subject to any rules made by the State Government regulating the extent to which such advances may be given and the instalments by which they may be recovered.

Deductions for payment to co-operative societies and insurance schemes.

35. Deductions under clauses (*f*) and (*k*) of sub-section (2) of section 29 shall be subject to such conditions as the State Government may impose.

Conditions of Dismissal.

36. (1) No employer shall, except for misconduct, dispense with the services of an employee who has been in his continuous employment for a period of not less than six months (including the part of the period, if any, before the commencement of this Act), without giving such employee a gratuity

amounting to 15 days average wages for each year of continuous service, subject to a maximum of average wages for 15 months.

Explanation.—For the purpose of this sub-section—

(*a*) wages shall not include overtime wages;

(*b*) "average wages" shall mean the average of the wages during the last three years of continuous service or if such service does not exceed three years during the total period of continuous service; and

(*c*) where the total continuous service is for a fraction of a year, or extends over a fraction of a year in addition to a complete year or years of continuous service, such fraction, if it is not less than half, shall be counted as a year of continuous service, in calculating the total number of years for which gratuity is to be given.

*[(1-A) Where gratuity is payable to an employee under sub-section (1), the employee shall be entitled to receive his wages, until the date on which the gratuity so payable is actually paid:

Provided that where there is a dispute as to the amount of gratuity so payable the Chief Inspector shall determine such amount and shall also decide for what period not exceeding one month and at what daily rate the wages shall be paid:

Provided further that the decision of the Chief Inspector shall be final and binding on both the employer and the person employed.]

(2) The services of an employee shall not be dispensed with for misconduct except in such manner and subject to such conditions and for such acts or omissions as may be prescribed either generally or in respect of any establishment or class of establishments.

*[(3) Notwithstanding anything contained in sub-section (1) an employee whose age is not less than 60 years and who quits his employment after giving the notice provided for in section 37 shall be entitled to receive gratuity and wages provided for in sub-sections (1) and (1-A) to the same extent and subject to the same conditions as an employee whose services have been dispensed with otherwise than for misconduct, is entitled to receive under the said sub-sections.]

Employment for a period of not less than six months not to be given up without notice.

37. (1) No employee who has been in continuous employment for a period of not less than six months (including the part of the period, if any, before the commencement of this Act,) shall give up his employment without giving to his employer notice of at least one month.

(2) An employee who quits his employment in contravention of the provisions of sub-section (1) shall be liable to

*Added by Act No. XXX of 1952, published in Gazette Extraordinary No. 126, dated 25th July, 1952.

forfeiture of any unpaid wages due to him subject to a maximum of wages for fifteen days.

*[37–A. The provisions of section 15 of the Payment of Wages Act, 1936 (IV of 1936), shall *mutatis mutandis* apply to claims arising out of deductions from wages payable under this Act, delay in payment of such wages and penalty for malicious and vexatious claims in respect of such wages and reference to an Inspector under the said Act, in the said section shall be deemed to be reference to an Inspector appointed under this Act.]

CHAPTER VII.

Appointment, Powers and Duties of Chief Inspector and Inspectors.

Appointment of Inspectors and Chief Inspector.

38. (1) The State Government shall appoint a Chief Inspector and such Inspectors as may be necessary for the purpose of carrying out the provisions of this Act.

(2) In addition to any power conferred on the Chief Inspector by this Act, the Chief Inspector may exercise all the powers of an Inspector.

Powers and duties of Inspectors.

39. The Chief Inspector and any Inspector may at all reasonable hours enter into any premises which are, or which he has reason to believe are used for the purposes of an establishment, with such assistants and make such examination of the premises and of the prescribed registers, records, or notices as may be prescribed.

Chief Inspector and Inspectors to be public servants.

40. The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of sub-section (5) of section 6 of the Hyderabad Penal Code.

CHAPTER VIII.

Penalties for Offences.

Penalties.

41. (1) Any employer who contravenes any of the provisions of sections 7, 9 to 11, 13 to 21, 24 to 36 and 45 shall be punishable, for a first offence, with fine which may extend to twenty-five rupees, and for a second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) Whoever contravenes, the provisions of section 8 shall be punishable, for a first offence, with fine which may extend to ten rupees, and for a second or subsequent offence with fine which may extend to one hundred rupees.

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*Added by Act No. XXX of 1952, published in Gazette Extraordinary No. 126, dated 25th July, 1952.

Penalty for obstructing Chief Inspector, Inspector, etc.

42. Any person who wilfully obstructs the Chief Inspector or any Inspector in the exercise of any power conferred on him under this Act or any person lawfully assisting the Chief Inspector or an Inspector in the exercise of such power, or who fails to comply with any lawful directions made by the Chief Inspector or an Inspector, shall be punishable with fine which may extend to two hundred and fifty rupees.

Cognizance of offences not to be taken by Court without complaint in writing by Chief Inspector or Inspector.

43. No court shall take cognizance of any offence under this Act or any rule or order made thereunder except on a complaint in writing by the Chief Inspector or an Inspector specifying the facts constituting such offence and made within six months of the date on which the offence is alleged to have been committed.

Offences to be tried by Courts not inferior to Second Class Magistrates.

44. No court inferior to that of a Magistrate of the Second Class shall try any offence against this Act or any rule or order made thereunder.

CHAPTER IX.

Miscellaneous.

Maintenance of registers and records and display of notices.

45. Subject to the general or special orders of the State Government, an employer shall maintain such registers and records and display such notices as may be prescribed.

Delegation of powers.

46. (1) The State Government may, by notification, authorise any officer or authority subordinate to them to exercise any one or more of the powers vested in them by or under this Act, except the power mentioned in section 47 subject to such restrictions and conditions, if any, as may be specified in the notification.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the State Government or by such persons as may be empowered by them in that behalf. The State Government shall also have power to control and revise the acts or proceedings of any person so empowered.

Powers to make rules.

47. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In making a rule under sub-section (1) the State Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the Jarida and on such publication shall have effect as if enacted in this Act.

Rights and privileges under other laws, etc., not affected.

48. Nothing contained in this Act, shall affect any rights or privileges which any person employed in any establishment is entitled to, on the date on which this Act comes into operation in respect of such establishment, under any other law, contract, custom, or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

Government to decide certain questions.

49. If any question arises whether all or any of the provisions of this Act, apply to an establishment or to a person employed therein or whether section 48 applies to any case or not, it shall be decided by the Government and their decision thereon shall be final and shall not be liable to be questioned in any court of law.

Power of Government to suspend provisions of the Act during fairs and festivals.

50. On any special occasion in connection with a fair or festival or a succession of public holidays, the State Government may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act.

No. XII OF 1951.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement.

2. Definitions.

3. Abolition of the Original Jurisdiction of the High Court.

4. Transfer of cases pending in the High Court at the commencement of this Act.

5. Institution after the commencement of this Act of Civil and Criminal Cases which would have been triable by the Original Bench of the High Court.

6. Inconsistency with other laws.

7. Amendments in certain enactments.

Schedule.

*THE HYDERABAD HIGH COURT (ABOLITION OF ORIGINAL JURISDICTION) ACT, 1951.

No. XII OF 1951.

Whereas it is expedient to abolish the original civil and criminal jurisdiction of the Hyderabad High Court;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad High Court (Abolition of Original Jurisdiction) Act, 1951.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force on the date of its publication in the Jarida.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "original civil case" includes a civil suit, and an application for execution of a decree and any application or objection connected therewith; and

(2) "High Court" means the Hyderabad High Court.

Abolition of the Original Jurisdiction of the High Court.

3. (1) The original civil and criminal jurisdiction of the High Court is hereby abolished:

Provided that notwithstanding the abolition of such jurisdiction, the trial of the original cases, civil and criminal , in which the hearing commenced before this Act comes into force shall, unless the Chief Justice directs that the case shall be transferred to the City Civil Court, or as the case may be, to the Court of the Sessions Judge at Secunderabad, be continued and disposed of by the High Court as if this Act had not been passed.

(2) Nothing in sub-section (1) shall be construed as preventing the High Court from transferring to itself for trial any original case, civil or criminal, pending in another court which the High Court may be competent so to transfer under any law for the time being in force.

(3) When the High Court transfers to itself for trial any original civil or criminal case pending before another court it shall observe the same procedure as that court would have observed if the case had not been so transferred.

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* Published in Extraordinary Gazette No. 15, dated 26th March, 1951.

Transfer of cases pending in the High Court at the commencement of this Act.

4. (1) Subject to the proviso to sub-section (1) of section 3, the original civil and criminal cases pending before the Original Bench of the High Court at the commencement of this Act shall be transferred to other courts, as follows :—

(*a*) Original civil cases, shall be transferred to the City Civil Court;

(*b*) Original criminal cases shall be transferred to the Court of Sessions Judge at Secunderabad;

and the City Civil Court, and the Court of Sessions Judge at Secunderabad shall have jurisdiction to hear and dispose of the cases so transferred to them according to their own procedure.

(2) Notice of the transfer shall be published in the Jarida, and in such other manner as the Chief Justice may direct.

Institution after the commencement of this Act of civil and criminal cases which would have been triable by the Original Bench of the High Court.

5. After the commencement of this Act, original civil and criminal cases which, if this Act had not been passed, would have been instituted in or committed to the High Court, and tried by the Original Bench thereof, shall—

(*a*) if they are original civil cases, be instituted in the City Civil Court; and

(*b*) if they are original criminal cases, be instituted in or committed to the Court of the Sessions Judge at Secunderabad.

Inconsistency with other laws.

6. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in the provisions of any other law for the time being in force.

Amendments in certain enactments.

7. The enactments mentioned in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

SCHEDULE.

(*See section 7*).

Year	Number	Short title	Amendments
1	2	3	4
1344 Hijri	..	The Royal Charter constituting the High Court.	(*a*) For clause 7, the following clauses shall be substituted, namely :— "7. The judicial powers of the High Court shall be exercisable in respect of appeals, revisions and references including cases transferred to itself under any law for the time being in force." (*b*) Clause 8 shall be omitted. (*c*) In clause 14 the figure "8" shall be omitted.
1324 Fasli.	II	The Hyderabad Civil Courts Act.	For sub-clause (*a*) of clause (2) of section 9, the following sub-clauses shall be substituted, namely :— "(*a*) First Judge, unlimited ; (*aa*) Second Judge, up to twenty thousand rupees or equivalent value ;".
1337 Fasli.	III	The Hyderabad High Court Act.	(*a*) Chapter II shall be omitted. (*b*) For section 6, the following section shall be substituted, namely :— "6. All cases falling within the jurisdiction of, and triable by the High Court, shall be placed before the Divisional Bench, with the exception of the cases which the Full Bench, or the Single Bench is by this Act empowered to try." Cases triable by the Appellate Bench (*c*) The Explanation in section 11 shall be omitted.

SCHEDULE—(*contd.*).

Year	Number	Short title	Amendments
1	2	3	4
			(*d*) Clause (11) of section 13 shall be omitted. (*e*) For clause (6) of section 14-(*a*), the following clause shall be substituted, namely :— "(6) to organise sittings of the Single, Appellate and Full Benches, and fix the number of Judges to preside at each Bench ; and to determine which Judge shall work at each Bench and for what period ;". (*f*) For section 21, the following section shall be substituted, namely :— "21. The Registrar and the Assistant Registrar in charge of work connected with the Appellate side shall be competent to sign decrees passed by the Single Bench, the Appellate Bench or the Full Bench of the High Court." Power to sign Decrees, etc.

THE HYDERABAD STATE APPROPRIATION ACT, 1951.

No. XV of 1951.

CONTENTS.

SECTIONS.

1. Short title.

2. Issue of Rs. 57,11,34,000 out of the Consolidated Fund of the State of Hyderabad for the year 1951-52.

3. Appropriation.

Schedule.

*THE HYDERABAD STATE APPROPRIATION ACT, 1951.

No. XV OF 1951.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1952.

Whereas in view of the provisions contained in Article 266 and clause (3) of Article 212-A of the Constitution of India, it is expedient to authorise the payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1952;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Hyderabad State Appropriation Act, 1951.

Issue of Rs. 57,11,84,000 out of the Consolidated Fund of the State of Hyderabad for the year 1951-52.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of fifty-seven crores, eleven lakhs and thirty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1952, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1952.

Published in the Extraordinary Gazette No. 18, dated 31st March, 1951.

SCHEDULE.

Sl. No.	Services and Purposes	Sums not Exceeding		
		Charged on the Consolidated Fund	Other expenditure to be met out of the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
1	Customs	..	47,19,000	47,19,000
2	Land Revenue	..	1,54,34,000	1,54,34,000
3	State Excise	..	88,92,000	88,92,000
4	Stamps	..	3,83,000	3,83,000
5	Forest	..	33,52,000	33,52,000
6	Registration	..	4,89,000	4,89,000
7	Charges on account of Motor Vehicles Act.	..	13,00,000	13,00,000
8	Other Taxes and Duties ..	..	8,54,000	8,54,000
9	Irrigation (including working expenses).	..	1,24,78,000	1,24,78,000
10	Interest on debt and other obligations.	97,11,000	..	97,11,000
11	Appropriation for reduction or avoidance of debt.	1,48,97,000	..	1,48,97,000
12	General Administration ..	3,29,000	1,26,05,000	1,29,34,000
13	Administration of Justice ..	10,12,000	40,10,000	50,22,000
14	Jails and Convict Settlements ..	..	36,09,000	36,09,000
15	Police	..	5,68,59,000	5,68,59,000
16	Scientific Departments ..	..	9,62,000	9,62,000
17	Education	..	4,88,12,000	4,88,12,000
18	Medical	..	1,18,50,000	1,18,50,000
19	Public Health	..	62,41,000	62,41,000
20	Agriculture	..	88,75,000	88,75,000
21	Veterinary..	..	20,74,000	20,74,000
22	Co-operation	..	28,50,000	28,50,000
23	Industries and Supplies ..	..	22,18,000	22,18,000

SCHEDULE.—(*Contd.*)

Sl. No.	Services and Purposes	Sums not Exceeding		
		Charged on the Consolidated Fund	Other expenditure to be met out of the Consolidated Fund	Total
1	2	3		
24	Miscellaneous Departments ..	..	1,26,60,000	1,26,60,000
25	Road Transport	..	2,18,32,000	2,18,32,000
26	Civil Works	..	2,45,98,000	2,45,98,000
27	Electricity Schemes	..	78,59,000	78,59,000
28	Other Revenue Expenditure in connection with Electricity Schemes.	..	7,000	7,000
29	Famine	..	15,00,000	15,00,000
30	Political Pensions	..	23,19,000	23,19,000
31	Superannuation Allowances and Pensions.	5,37,000	1,87,63,000	1,93,00,000
32	Stationery and Printing ..	..	37,45,000	37,45,000
33	Miscellaneous	50,00,000	2,27,22,000	2,77,22,000
34	Capital Outlay on Irrigation works	..	4,88,31,000	4,88,31,000
35	Capital Outlay on Improvement of Public Health.	..	37,50,000	37,50,000
36	Capital Outlay on Multi-purpose River Schemes.	..	1,06,70,000	1,06,70,000
37	Capital Account of Civil Works ..	..	1,39,26,000	1,39,26,000
38	Capital Outlay on Electricity Schemes.	..	58,23,000	58,23,000
39	Capital Outlay on Road Transport Schemes.	..	99,09,000	99,09,000
40	Repayment of Debt	2,75,000	..	2,75,000
41	Loans from the Central Government.	5,83,000	..	5,83,000
42	State Road Fund	..	2,00,000	2,00,000
43	Interest-free and Interest-bearing Advances.	..	12,18,10,000	12,18,10,000
	Grand Total ..	3,23,44,000	53,87,90,000	57,11,34,000

THE HYDERABAD STATE APPROPRIATION (No. 2) ACT, 1951.

No. XVI of 1951.

CONTENTS.

SECTIONS.

1. Short title.

2. Issue of Rs. 9,71,40,000 out of the Consolidated Fund of the State of Hyderabad for the year 1950-51.

3. Appropriation.

Schedule.

*THE HYDERABAD STATE APPROPRIATION (No. 2) ACT, 1951.

No. XVI OF 1951.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1951.

Whereas in view of the provisions contained in Article 266 and in clause (3) of Article 212-A of the Constitution of India it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1951;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Hyderabad State Appropriation (No. 2) Act, 1951.

Issue of Rs. 9,71,40,000 out of the Consolidated Fund of the State of Hyderabad for the year 1950-51.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of nine crores, seventy-one lakhs and forty thousand rupees towards defraying the several charges coming in course of payment during the year ending on the 31st day of March, 1951, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

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*Published in the Extraordinary Gazette No. 18, dated 31st March, 1951.

SCHEDULE.

Sl. No.	Services and Purposes	Sums not Exceeding		
		Charged on the Consolidated	Other expenditure to be met out of the Consolidated Fund.	Total
1	2	3		
1	Forests	..	1,94,000	1,94,000
2	Registration	..	3,000	3,000
3	Motor Vehicles Tax	..	1,00,000	1,00,000
4	Exchange and Remittance ..	..	30,000	30,000
5	Tour expenses of H.E.H. and Military Secretary	6,000	..	6,000
6	Political Charges	..	63,000	63,000
7	Pension and Compassionate Allowances	..	50,00,000	50,00,000
8	Mansabs, Imteyazis and Special Allowances	..	2,01,000	2,01,000
9	Courts	..	2,16,000	2,16,000
10	Police	..	1,77,000	1,77,000
11	Religious Affairs	..	4,60,000	4,60,000
12	Irrigation	..	78,000	78,000
13	Printing	..	63,000	63,000
14	Industrial Research Laboratory ..	..	1,00,000	1,00,000
15	Transfers from Famine Reserve ..	..	17,57,000	17,57,000
16	Miscellaneous	..	79,21,000	79,21,000
17	Charities and Donations ..	..	64,000	64,000
18	Sales Tax	..	46,000	46,000
19	Capital Outlay on Irrigation Works	..	32,43,000	32,43,000
20	Do Roads ..	..	14,70,000	14,70,000
21	Do Buildings ..	..	18,00,000	18,00,000
22	Do Nizamsagar Development Works ..	..	36,000	36,000
23	Do City Improvement Board Works ..	..	9,00,000	9,00,000
24	Do Commutation of Pensions and Mansabs ..	..	10,65,000	10,65,000
25	Repayment of Debt.	7,21,47,000	..	7,21,47,000
	Total ..	7,21,53,000	2,49,87,000	9,71,40,000

THE HYDERABAD ABSORBED ENCLAVES ACT, 1951.

No. XVIII OF 1951.

CONTENTS.

SECTIONS.

1. Short title and commencement.

2. Definitions.

3. Absorption of enclaves in district.

4. Assimilation of laws.

5. Removal of difficulties.

6. Declaration for the avoidance of doubt.

Schedule.

*THE HYDERABAD ABSORBED ENCLAVES ACT, 1951.

No. XVIII OF 1951.

Whereas in pursuance of an Agreement made on the 28rd day of January, 1950, between the Governor-General of India and the Nizam of Hyderabad, certain enclaves then forming parts of the Provinces of Madras and Bombay were on the 25th day of January, 1950, transferred to the State of Hyderabad and form part thereof;

And whereas it is expedient to provide for certain matters arising therefrom;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Absorbed Enclaves Act, 1951.

(2) It shall be deemed to have come into force on the 25th day of January, 1950.

Definitions.

2. In this Act,—

(*a*) "date of transfer" means the 25th day of January, 1950, and

(*b*) "enclaves" means the areas specified in the first column of the Schedule to this Act.

Absorptions of enclave in districts.

3. Each of the enclaves specified in the first column of the Schedule to this Act shall, as from the date of transfer, form part of the district (hereinafter referred to as "the absorbing district") specified against the enclave in the second column of that Schedule.

Assimilation of laws.

4. All laws in force in an enclave immediately before the date of transfer shall, as from that date cease to be in force in that enclave, and all laws in force in the absorbing district immediately before the said date shall, as from that date extend to, and be in force in, that enclave:

Provided that anything done or action taken under a law in force in the enclave before the date of transfer shall be deemed to have been done or taken under the corresponding law extending to, and in force in, that enclave as from the date of transfer.

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*Published in the Extraordinary Gazette No. 27, dated 8th May, 1951.

Explanation.—In this section "law" includes any Act, Ordinance or Regulation and any notification, order, scheme, rule, form or bye-law issued, made or prescribed under any Act, Ordinance or Regulation.

Removal of difficulties.

5. If any difficulty arises in relation to the transition under section 4 from one law or group of laws to another law or group of laws, the Government of Hyderabad may, by order notified in the Jarida make such provision as it considers necessary for the removal of such difficulties.

Declaration for the avoidance of doubt.

6. For the avoidance of doubt it is hereby declared—

(*a*) that all property and assets within the enclaves which, immediately before the date of transfer, vested in the Government of Bombay or of Madras, vested on that date in the Government of Hyderabad; and

(*b*) that all rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of Bombay or the Government of Madras in relation to any of the enclaves became on that date the rights, liabilities and obligations of the Government of Hyderabad.

SCHEDULE.

[*See sections* 2 (*b*) *and* 3].

	Enclave.	*Absorbing District*
1.	Kalvapalli	Nalgonda.
2.	Kachavarigudem	,,
3.	Sarvaram	,,
4.	Lakshmipuram	,,
5.	Lingagiri	,,
6.	Lakkavaram	,,
7.	Sreenivaspuram	,,
8.	Seetharampuram	,,
9.	Kondoyigudem	,,
10.	Ganugabanda	,,
11.	Amravaram	,,
12.	Anjaneepuram	,,
13.	Mulugumadu	Warangal.
14.	Rompimalla	,,
15.	Mallavaram	,,
16.	Kawitkhede	Aurangabad.
17.	Anchalgaon	,,
18.	Balhegaon	,,
19.	Hingane Kanad	,,

	Enclave.	*Absorbing District*
20.	Sakegaon	Aurangabad.
21.	Pokhat Kanad	,,
22.	Babul Khede	,,
23.	Khirdi Kanad	,,
24.	Salegaon	,,
25.	Malegaon	,,
26.	Bhokargaon	,,
27.	Narsingpur	,,
28.	Maranpur	,,
29.	Malpur	,,
30.	Vadali Kanad	,,
31.	Bokangaon	,,
32.	Palasgaon	,,
33.	Banshendra	,,
34.	Hatnur	,,
35.	Jamdi Kanad	,,
36.	Chapaner	,,
37.	Jalgaon Kanad	,,
38.	Wodolwadi	,,
39.	Chikalthan	,,
40.	Vithalpur	,,
41.	Malunja (Budruk)	,,
42.	Arvi	Bhir
43.	Jhapewadi	,,
44.	Siroor	,,
45.	Kanujwadi	,,
46.	Koalwadi	,,
47.	Rakshas Bhawan	,,
48.	Hinganwadi	,,
49.	Gomalwadi	,,
50.	Hingalwadi	,,
51.	Pimalwadi	,,
52.	Khokar Mohu	,,
53.	Ghogawadi	,,
54.	Buragwadi	,,
55.	Rupawadi	,,
56.	Shirasmarga	,,
57.	Kalwadi	,,
58.	Bandalwadi	,,
59.	Tartwadi	,,

	Enclave.	*Absorbing District*
60.	Deemakwadi	Bhir
61.	Soangaon	,,
62.	Murshidpur	,,
63.	Khelad	,,
64.	Dongargaon	,,
65.	Devi Nimbagaon	,,
66.	Kada	,,
67.	Seri (Khurd)	,,
68.	Gandiwadi	,,
69.	Kansiwadi	,,
70.	Amwadi	,,
71.	Kaswadi	,,
72.	Brahmangaon	,,
73.	Bhalaoni	,,
74.	Hajirpur	,,
75.	Handewadi	,,
76.	Amalner	,,
77.	Pimpalwandi	,,
78.	Pangri	,,
79.	Ambawadi	,,
80.	Maswerwadi	,,
81.	Chendorwadi	,,
82.	Jadowadi	,,
83.	Saradwadi	,,
84.	Biderwadi	,,
85.	Depotwadi	,,
86.	Kusulamb	,,
87.	Godewadi	,,
88.	Bharatwadi	,,
89.	Nalwandi	,,
90.	Bongarkinni	,,
91.	Batachiwadi	,,
92.	Naskwadi	,,
93.	Pimpalgaon Dhar	,,
94.	Nirgudi	,,
95.	Kodewadi	,,
96.	Tirmalwadi	,,
97.	Bidawadi	,,
98.	Domri	,,
99.	Maibwadi	,,

	Enclave.	*Absorbing District.*
100.	Ganjwadi	Bhir.
101.	Bhidasangvi	,,
102.	Hadalgi	Gulberga.
103.	Ainapur	,,
104.	Bhilwad	,,
105.	Kukrambawadi	Osmanabad.
106.	Thadala	,,
107.	Kukramba	,,
108.	Katachiwadi	,,
109.	Mangrole	,,
110.	Saradwadi	,,
111.	Khandikarwadi	,,
112.	Arlibudruka	,,
113.	Kalegaon	,,
114.	Kesarjawalga	,,
115.	Savargaon	,,
116.	Upla	,,
117.	Wagoli	,,
118.	Kajla	,,
119.	Pawarwadi	,,
120.	Rajwadi	,,
121.	Sonari	,,
122.	Hagdhari	Raichur.
123.	Hirajundgud	,,
124.	Hirebahadurdinni	,,
125.	Hanmahal	,,

THE HYDERABAD NURSES, MIDWIVES AND HEALTH VISITORS REGISTRATION ACT, 1951.

No. XIX OF 1951.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement.

2. Definitions.

3. Establishment, incorporation and composition of the Council.

4. Appointment of members in default of election.

5. Period of office of members.

6. Vacancies.

7. Vacancy not to affect proceedings.

8. Disqualifications.

9. Disabilities from continuing as member.

10. Leave of absence to members.

11. Maintenance of register.

12. Persons entitled to registration.

13. Refusal of registration and removal and re-entry of names.

14. Appeal from order under section 13.

15. Penalty for dishonest use of certificates.

16. Penalty for unlawful assumption of title of registered nurse, midwife or health visitor.

17. Court competent to try offence under this Act.

18. Rules.

19. Power of the Council to make bye-laws.

20. Protection of persons acting in good faith under th Act, rules and bye-laws.

*THE HYDERABAD NURSES, MIDWIVES AND HEALTH VISITORS REGISTRATION ACT, 1951.

No. XIX OF 1951.

Whereas it is expedient to provide for the registration of nurses, midwives and health visitors in the Hyderabad State;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force on such date as Government may by Notification in the Jarida appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or content:—

(*a*) "bye-law" means a bye-laws made by the Council under section 19;

(*b*) "Council" means the Hyderabad Nurses, Midwives and Health Visitors Council constituted under this Act;

(*c*) "nurse" includes a male nurse;

(*d*) " prescribed " means prescribed by rules;

(*e*) "register" means a register maintained under section 11 and the expressions "registration" and "registered" shall be construed accordingly;

(*f*) "rule" means a rule made under section 18.

Establishment, incorporation and composition of the Council.

3. (1) Government shall by Notification in the Jarida establish a Council to be called the Hyderabad Nurses, Midwives and Health Visitors Council for the purpose of carrying out the provisions of this Act. The Council so constituted shall be a body corporate and have perpetual succession and a common seal and may by the said name sue or be sued.

(2) The Council shall consist of the following members, namely:—

(*a*) ex-officio members

† [(*i*) the Director, Medical and Health Services;

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* Published in Gazette Ordinary No. 21, dated 24th May, 1951.

† Substituted by Act. No. XII of 1954, published in Gazette Extraordinary No. 94, dated 27th April, 1954.

(*ii*) the Additional Director, Medical and Health Services;

(*iii*) the Officer-in-Charge, Osmania General Hospital];

(*iv*) the Lady Superintendent of Nursing Services, Hyderabad;

(*v*) the Matron-in-Charge, Osmania General Hospital;

(*iv*) the Matron-in-Charge, King Edward Memorial Hospital;

(*vii*) the Matron-in-Chage, Victoria Zenana Hospital;

(*viii*) the Matron-in-Chage, T.B. Hospital.

(*b*) elected members—

(*i*) two registered medical practitioners (one of whom shall be a woman) to be elected by the Hyderabad State Medical Council in the prescribed manner;

(*ii*) two registered nurses to be elected by registered nurses, midwives and health visitors in the prescribed manner;

(*iii*) member elected by the trained Nurses Association of India.

(*c*) members nominated by Government—

(*i*) one registered nurse, one registered midwife and one registered health visitor;

(*ii*) two non-officials neither of whom shall be a registered nurse, registered midwife or registered health visitor and at least one of whom shall be a woman.

(3) The *[Director, Medical and Health Services] shall be the the President *ex-officio* of the Council, and the Vice-President of the Council shall be elected annually from among the members of the Council and shall hold office for one year or until the election of his successor.

Appointment of members in default of election.

4. If either of the electing bodies referred to in clause (*b*) of sub-section (2) of section 3 has, by such date as may be prescribed, elected no person or one person only to be a member of the Council, Government shall, by order in writing, appoint to the vacancies or vacancy two persons or one person, as the case may be, qualified for election by the electing body concerned, and any person so appointed shall be deemed to be a member of the Council as if he had been duly elected by the said electing body.

Period of office of members.

5. The members of the Council, other than the ex-officio members specified in sub-clauses (*i*) to (*vii*) of clause (*a*) of sub-section (2) of section 3, shall hold office for a period of five years or for such less period as Government may prescribe in this behalf:

* Substituted by Act No. XII of 1954.

Provided that an outgoing member shall continue in office until the election or nomination of his successor, as the case may be.

Vacancies.

6. When a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed. Any person elected or nominated to fill a casual vacancy shall, notwithstanding anything contained in section 5, hold office for so long only as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

Vacancy not to affect proceedings.

7. If a vacancy in the office of a member of the Council has occurred, the continuing members thereof shall act as if no vacancy had occurred, and no act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

Disqualifications.

8. No person shall be a member of the Council—

(*a*) who has been sentenced by a criminal court for an offence punishable with imprisonment for a term exceeding three months or with transportation, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence, or

(*b*) who is an undischarged insolvent, or

(*c*) who has been adjudicated by a competent court to be of unsound mind, or

(*d*) whose name has been removed from the register.

Disabilities from continuing as member.

9. (1) If any member, during the period for which he has been elected or nominated—

(*a*) absents himself without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or

(*b*) is absent out of India for a period exceeding eight consecutive months; or

(*c*) becomes subject to any of the disqualifications specified in section 8; or

(*d*) having been elected under sub-clause (*i*) or sub-clause (*ii*) of clause (*b*) of sub-section (2) of section 3, ceases to be a registered medical practitioner or a registered nurse, as the case may be, the President of the Council shall forthwith report the fact to Government, who shall thereupon, by order in writing, declare his seat to be vacant.

Leave of absence to members.

10. The Council may permit any member to absent himself from the meetings of the Council for any period not exceeding six months.

Maintenance of register.

11. The Council shall maintain a register of—

(*i*) nurses,

(*ii*) midwives, and

(*iii*) health visitors,

in such forms and containing such particulars as may be prescribed.

Persons entitled to registration.

12. (1) Each of the registers referred to in section 11 shall be maintained in two parts.

(2) In Part I there shall be registered the names of all persons who have undergone the training, passed the examinations and satisfied the conditions prescribed in respect of nurses, midwives and health visitors, as the case may be.

(3) In Part II there shall be registered the names of all persons not qualified for registration in Part I who were practising as nurses, midwives or health visitors at the commencement of this Act, and who satisfy the conditions prescribed in this behalf:

Provided that no name shall be registered in Part II after the expiration of three years from the commencement of this Act.

(4) A certificate of registration shall be issued in the prescribed form to every person whose name is registered in Part I or Part II of any of the registers referred to in section 11.

Refusal of registration and removal and re-entry of names.

13. (1) Subject to such conditions as may be prescribed, the Council may, after giving an opportunity to the person concerned to be heard in his defence and to appear, and after holding an inquiry in the prescribed manner, refuse to enter in the register the name of any person, or may order the removal of the name of such person from the register.

(2) An order passed under sub-section (1) shall be in writing, and shall be served on the person concerned in the prescribed manner.

(3) The Council may direct that the name of any person against whom an order under sub-section (1) has been passed shall be entered or re-entered in the register, as the case may be.

(4) A person whose name is removed from the register under this section shall return the certificate issued to him under sub-section (4) of section 12, and if he fails to return the same the certificate shall be deemed to be cancelled.

14. (1) Any person, aggrieved by any order of the Council under section 13, may, within three months from the date on which such order is served, appeal against such order to Government. **Appeal from order under section 13.**

(2) The order of Government on any such appeal shall be final.

15. Any person who— **Penalty for dishonest use of certificates.**

(*a*) dishonestly makes use of any certificate of registration issued under the provisions of this Act to such person or to any other person,

(*b*) procures or attempts to procure registration under the provisions of this Act, by making or producing or causing to be made or produced any false or fraudulent declaration, certificate or representation whether in writing or otherwise, or

(*c*) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Act,

shall be punishable with fine not exceeding two hundred and fifty rupees.

16. (1) Any person, who, not being a registered nurse or health visitor, takes or uses the name or title of registered nurse or uses any name, title, description, uniform, badge or sign-board with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a registered nurse or health visitor, shall be punishable with fine not exceeding one hundred rupees. **Penalty for unlawful assumption of title of registered nurse, midwife or health visitor.**

(2) Any person, who not being a registered midwife, take or uses the name or title of registered midwife or uses any name, title, description, uniform, badge or sign-board with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a registered midwife shall be punishable with fine not exceeding fifty rupees.

17. No Magistrate other than a Magistrate of the First Class shall take cognizance of or try any offence under this Act. **Court competent to try offence under the Act.**

18. (1) Government may, after previous publication, make rules to carry out all or any of the purposes of this Act. **Rules.**

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) regulate the conduct of elections of members of the Council;

(*b*) regulate the conditions of admission to the register;

(*c*) regulate the conduct of any examination which may be prescribed as a condition of admission to the register and any matters ancillary to or connected with such examination;

(*d*) specify the causes for which, the conditions under which and the manner in which, nurses, midwives and health visitors may be removed from the register and the procedure for restoration to the register of nurses, midwives and health visitors who have been removed therefrom;

(*e*) determine the manner in which all fees levied under this Act and all moneys received by the Council shall be applied for the purposes of this Act;

(*f*) fix the fees to be paid in respect of an appeal under this Act;

(*g*) provide for any matter which is to be, or may be, prescribed.

Power of the council to mak bye-laws.

19. (1) The Council may make bye-laws not inconsistent with this Act or the rules—

(*a*) for regulating the compilation, maintenance and publication of the register;

(*b*) for regulating the publication of the names and addresses of registered nurses, midwives and health visitors;

(*c*) for regulating and supervising the practice of their profession by registered nurses, midwives and health visitors;

(*d*) for regulating the summoning of meetings of the Council and its proceedings;

(*e*) for appointing a Registrar and such other servants as may be necessary;

(*f*) for fixing the rates of fees to be charged for the prescribed examinations, for admission to the register and for registration;

(*g*) for regulating the expenditure of the Council and providing for the audit thereof;

(*h*) generally for any matters in respect of which the Council considers that provision should be made for the purposes of this Act.

(2) No bye-law made by the Council shall come into force until it has been confirmed by Government with or without modification or amendment.

(3) Every such bye-law shall, when so confirmed, be published in the Jarida.

Protection of persons acting in good faith under the Act, rules and bye-laws.

20. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or under the rules or bye-laws.

THE HYDERABAD PAYMENT OF TAXES (TRANSFER OF PROPERTY) ACT, 1951.

No. XXI OF 1951.

CONTENTS.

SECTIONS.

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1. Short title, extent and commencement.

2. Application of Act.

3. Payment of agricultural income-tax and sales-tax before registration of documents.

3-A. Recovery of taxes where property has been transferred without certificate.

4. Right of appeal.

5. Effect of Act over other laws.

6. Bar of suits.

7. Power to make rules.

8. Repeal.

*THE HYDERABAD PAYMENT OF TAXES (TRANSFER OF PROPERTY) ACT, 1951.

No. XXI OF 1951.

An Act to make provision for the payment of †[taxes] before transfers of property are registered in certain case.

Preamble.

Whereas it is expedient to make provision for the payment of †[taxes] before transfers of property are registered in certain cases ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act, may be called the Hyderabad Payment of Taxes (Transfer of Property) Act, 1951.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date as the Government may by Notification in the Jarida, appoint in this behalf.

Application of Act.

2. This Act, shall apply to any person—

(*i*) who on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances leaves or has, since the 14th day of August, 1947, left any place in the State of Hyderabad for any place outside India or who, since the said date has been residing in any place outside India ; or

(*ii*) who in the opinion of the Deputy Commissioner of Sales-tax and Agricultural Income-tax or the Custodian of Evacuee Property or a Collector is likely to leave the State of Hyderabad with the intention of settling in any place outside India and in respect of whom a declaration that he is a person to whom this Act, applies has been received from any such Deputy Commissioner, Custodian of Evacuee Property or Collector by the registering officer of the area in which any property, belonging to such person is situate.

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*Published in Gazette Extraordinary No. 30, dated 28th May, 1951.

†The word ' taxes ' was substituted for the words 'agricultural income-tax and sales-tax ' by the Act No. XV of 1952, published in Gazette Extraordinary No. 47, dated the 8th April, 1952.

Payment of agricultural income-tax and sales-tax before registration of documents.

3. (1) When any document required to be registered under the provisions of clause (*a*), clause (*b*), clause (*c*), or clause (*e*) of sub-section (1) of section 17 of the Indian Registration Act, 1908 (XVI of 1908) purports to transfer, assign, limit or extinguish any right, title or interest in any immovable property belonging to any person to whom this Act applies, no registering officer appointed under the said Act shall register any such document, unless it is certified by the Deputy Commissioner of Sales-tax and Agricultural Income-tax in respect of the person whose right, title or interest in the immovable property is to be so transferred, assigned, limited or extinguished under the terms of the document that—

*[(*a*) such person is not liable to assessment or taxation under the Excess Profits Tax Act, 1355 Fasli (I of 1355 F.) the Luxury Sales Tax Act, 1357 Fasli (III of 1357 F.), the Income-tax Act, 1357 Fasli (VIII of 1357 F.), in so far as it relates to agricultural income-tax, the Hyderabad Agricultural Income-tax Act, 1950 (XIII of 1950) or the Hyderabad General Sales Tax Act, 1950 (XIV of 1950); or]

(*b*) such person has either paid or made satisfactory provision for the payment of all existing or anticipated liabilities under any of the Acts, specified in clause (*a*) of this sub-section; or

(*c*) the Deputy Commissioner of Sale-tax and Agricultural Income-tax is otherwise satisfied that the registration of the document will not prejudicially affect the recovery of all existing or anticipated liabilities referred to in clause (*b*) of this sub-section.

(2) If the Deputy Commissioner of Sales-tax and Agricultural Income-tax refuses to issue a certificate under the provisions of sub-section (1), he shall make on order of refusal and record his reasons therefor and, on application made by any person claiming to be affected by such order, shall, subject to the payment of such fee as may be prescribed, furnish such person with a copy of the order.

Recovery of taxes where property has been transferred without certificate.

**[3-A (1) Where any right, title or interest in any immovable property is or has been transferred, assigned, limited or extinguished after the seventeenth day of September, 1948, any prescribed officer of the area in which such property is situate may at any time issue a notice to all or any of the parites to the transaction requiring them or him to produce within one month from the date of service of the notice, a certificate of the Deputy Commissioner of Sales Tax and Agricultural Income-tax of the said area in the terms mentioned in section 3 so far as it relates to taxes with which the prescribed officer is concerned.

*As substituted by the Act No. XV of 1952, published in Gazette Extraordinary No. 47, dated the 8th April, 1952.

**As added by the Act No. XV of 1952, published in Gazette Extraordinary No. 47, dated the 8th April, 1952.

(2) If no such certificate is produced before the prescribed officer, he may forward a statement to the Collector showing the existing and anticipated liabilities by way of taxes with which the prescribed officer is concerned in respect of all or any of the said parties and the Collector shall on receipt of such statement proceed to recover the total amount shown in such statement as if it were an arrear of land revenue and for the purpose of such recovery proceedings, he may treat the said property as if it belonged to all or any of the persons named in the statement.

(3) For the purposes of this section 'prescribed officer' means the officer appointed by rules made under this Act take action under this section in respect of one or more of the taxes referred to in clause (*a*) of sub-section (1) of section 3.]

Right of appeal.

4. An appeal shall lie against the order of the Deputy Commissioner of Sales-tax and Agricultural Income-tax, refusing to issue a certificate under the provisions of sub-section (2) of section 3 to the Commissioner of Sales-tax and Agricultural Income-tax, if the appeal is presented to the said Commissioner within thirty days from the date of the order and the Commissioner may pass such orders thereon as he may think fit.

Effect of Act over other laws.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Bar of suits.

6. No suit, prosecution or other legal proceeding shall lie against the Government or any person or authority in respect of anyting which is in good faith done or intended to be done under this Act.

Power to make rules.

7. The Government may make rules for the purpose of carrying into effect the objects of this Act and in particular, prescribed the fee payable under sub-section (2) of section 3.

Repeal.

8. The Payment of Taxes (Transfer of Property) Regulation, 1358 F. (XLVII of 1358 F.) so far as it relates to the transfer of agricultural land is hereby repealed.

THE HYDERABAD VACCINATION ACT, 1951.
NO. XXIV OF 1951.

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SECTIONS.

Preamble.

1. Short title, extent and commencement.
2. Definitions.
3. Duties of guardian regarding vaccination of children.
4. Duty of an unprotected person to get himself vaccination.
5. Duty of vaccinator to effect vaccination.
6. Duty of vaccinator to direct attendance for ascertaining results of vaccination.
7. Action to be taken when vaccination is successful or unsuccessful.
8. Certificate of unfitness for vaccination and its renewal.
9. Certificate of insusceptibility to successful vaccination.
10. Despatch of certificate of successful vaccination.
11. Cancellation of false or incorrect certificate.
12. No fee to be charged for vaccination done at a vaccination station.
13. Change of residence of unprotected persons or children.
14. Order for inspection of an unprotected child or person.
15. Delivery of or affixing a notice at the house of a guardian or person requiring a child or person to be vaccinated.
16. Penalty for not vaccinating a child within the age of six months.
17. Other penalties.
18. Penalty for false certificates.
19. Penalties for accepting illegal remuneration.
20. Cognizance of offences under this Act.
21. Rules.
22. Repeal.

*THE HYDERABAD VACCINATION ACT, 1951.

No. XXIV OF 1951.

An Act to provide for making the vaccination of unprotected children and unprotected persons compulsory.

Whereas it is expedient to provide for making the vaccination of unprotected children and unprotected persons compulsory; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad Vaccination Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on the date of its publication in the Jarida.

2. In this Act unless there is anything repugnant in the subject or context— Definitions.

(*a*) "child" means a boy or girl who has not attained the age of 18 years;

(*b*) "guardian" means any person who is responsible for or has accepted or assumed the care of or custody of any child;

(*c*) "Government dispensary" means any allopathic dispensary which is under the direct or general control of the Medical and Public Health Department of Government;

(*d*) "local authority" means—

(*i*) in any area comprised within the jurisdiction of a Corporation established under the Hyderabad Municipal Corporations Act, 1950, such Corporation;

(*ii*) in any area comprised within the jurisdiction of a Municipal Committee or Town Committee, such Committee;

(*iii*) in respect of any other area, the District Board within whose jurisdiction such area is included or such local body as the Government may by notification in the Jarida specify;

(*e*) "Medical practitioner" means any person registered under section 12 of the Hyderabad Medical Registration Act (I of 1348 F.);

*Published in Gazette Ordinary No. 27, dated 5th July, 1951.

(*f*) " person " means a male or female who has attained the age of 18 years ;

(*g*) " prescribed " means prescribed by rules made under this Act ;

(*h*) " unprotected child " means a child who has not—

(*i*) had small-pox naturally ; or

(*ii*) been successfully vaccinated within the last five years ; or

(*iii*) been certified under this Act to be insusceptible to vaccination ;

(*i*) " unprotected person " means a person who has not—

(*i*) had small-pox naturally ; or

(*ii*) been successfully vaccinated within the last 5 years; or

(*iii*) been certified under this Act to be insusceptible to vaccination ;

(*j*) " vaccination station " means a place declared as such from time to time in the prescribed manner as a place at which vaccination shall be carried out ;

(*k*) " vaccinator " means—

(*i*) any medical practitioner, or

(*ii*) any person possessing the qualifications notified by the Hyderabad Medical and Public Health Department for vaccinator, or

(*iii*) any Health Inspector, or

(*iv*) any Health Visitor, or

(*v*) any Health Sub-Inspector qualified in vaccination.

Duties of guardian regarding Vaccination of children.

3. (1) The guardian of an unprotected child below six months of age shall have such child vaccinated before it attains that age at a vaccination station within the prescribed hours or by a vaccinator employed by the Government or local authority or by a medical practitioner.

(2) The guardian of an unprotected child who has completed six months of age and who has resided in the State of Hyderabad for at least one month shall within one month after that period get such child vaccinated by a vaccinator employed as aforesaid or by a medical practitioner or take such child or cause it to be taken to a vaccination station and get it vaccinated.

Duty of an unprotected person to get himself vaccinated.

4. An unprotected person who has resided for one month within the State of Hyderabad shall within one month after that period get himself vaccinated by a vaccinator or at a vaccination station.

Duty of vaccinator to effect vaccination.

5. A vaccinator employed by Government or a local authority to whom any unprotected child or unprotected person is brought or comes for vaccination in accordance with the provisions of this Act shall with all reasonable despatch vaccinate the child or person in accordance with the said provisions and the rules made thereunder.

Duty of vaccinator to direct attendance for ascertaining results of vaccination.

6. After a child or person has been vaccinated in accordance with the provisions of this Act, the vaccinator shall direct the guardian of that child or person to attend on a subsequent date and at a reasonable hour and place to be specified by him for the purpose of inspecting and ascertaining the result of the vaccination.

Action to be taken when vaccination is successful or unsuccessful.

7. (1) If the vaccinator finds on inspection that the vaccination has been successful he shall give a certificate of successful vaccination in the prescribed form.

(2) If the vaccinator finds that the vaccination is wholly or partly unsuccessful, the guardian of the child or person concerned shall, if the vaccinator so directs, forthwith have a revaccination performed by the vaccinator and such revaccination shall be inspected and after inspection dealt with as in respect of the previous occasion.

Certificate of unfitness for vaccination and its renewal.

8. (1) If the vaccinator finds that an unprotected person or unprotected child is not in a fit state of health to be vaccinated, he shall deliver to such person or guardian of such child a certificate in the prescribed form to the effect that the person or child is not then in a fit state of health for vaccination.

(2) If the vaccinator is of the rank of a Health Sub-Inspector, he shall send a copy of the certificate to the Health Officer.

(3) Such certificate shall remain in force for the period specified therein not exceeding three months but may be renewed from time to time if the person or child continues to be unfit for vaccination.

(4) After the expiration of the period of the certificate or of the renewed certificate, the guardian of the unprotected child or unprotected person concerned shall with all reasonable despatch take steps for the vaccination of the child or of himself and upon vaccination further action shall, so far as may be, be taken in the manner provided in the foregoing provisions of this Act.

Certificate of insusceptibility to successful vaccination.

9. If any vaccinator finds that any person or child whom he has thrice vaccinated unsuccessfully is insusceptible to successful vaccination or that the child or person who is brought or comes to him for vaccination has already had small-pox, he shall deliver to the guardian or person concerned a certificate under his signature in the prescribed form and the guardian shall not thenceforth be required to cause the child or the person to get himself to be vaccinated.

Despatch of certificate of successful vaccination.

10. Any guardian of an unprotected child or an unprotected person who procures vaccinaton of an unprotected child or of himself by a vaccinator not employed by the Government or any local authority shall forward a certificate of successful vaccination to the Municipal Health Officer of the area in which he resides or to the Medical Officer in charge of the Local Government dispensary or if there is no Municipal Health Officer or a Government dispensary in the place of residence of the guardian or unprotected person to the Health Officer of the district within one month from the date of vaccination.

Cancellation of false or incorrect certificate.

11. (1) Every District Health Officer, Assistant Health Officer or Medical Officer in charge of a Municipal or Government dispensary shall be competent to cancel any certificate of vaccination if he has reason to believe that the entries made therein are incorrect or that the certificate has been improperly given in respect of an unprotected child or unprotected person.

(2) The certificate of vaccination shall on cancellation under sub-section (1) cease to be valid and operative and after the cancellation of the certificate, notice of the cancellation and directing vaccination shall be given in the prescribed form to the person concerned and if the notice is not complied with, the officer by whom such cancellation has been made shall be entitled to take action against the guardian or person concerned under the provisions of this Act and the rules made thereunder.

No fee to be charged for vaccination done at a vaccination station.

12. No fee or remuneration shall be charged by any vaccinator employed either by the Government or any local authority to the guardian of a child or to an unprotected person for vaccination done, and for any certificate issued in pursuance of this Act, at a vaccination station.

Change of residence of unprotected persons or children.

13. (1) When the residence of an unprotected child or unprotected person is changed—

in a Municipal area, from one ward of the Municipality or Corporation to another ward thereof, and

in a non-municipal area, from one town or village to another town or village,

the guardian of the unprotected child or the unprotected person, as the case may be, shall within one month of the change of residence notify the change—

(*a*) in the case of a Municipal area, to the Municipal Health Officer,

(*b*) in the case of other areas to the District Health Officer, the Assistant Health Officer, the Medical Officer in charge of the Local Government dispensary or to the village Police Patel,

furnishing full particulars as to the new address of the unprotected child or unprotected person concerned.

(2) The officers specified in sub-section (1) other than the police patel shall make arrangements for getting the unprotected child or calling upon the unprotected person to be vaccinated as early as possible and the police patel shall communicate the information received by him to the District Health Officer for necessary action.

(3) When an unprotected child who has attained the age of six months leaves the locality before being vaccinated the matter shall be reported by the District Health Officer to the District or Municipal Health Officer concerned for taking steps for the vaccination of the child.

Order for inspection of an unprotected child or person.

14. If the President of the District Board, Municipal Corporation, Municipal Committee or Town Committee, the District Health Officer, the Municipal Health Officer, the Assistant Health Officer or the Medical Officer incharge of the Government or Municipal dispensary has reason to believe that there is an unprotected child or unprotected person in any area within his jurisdiction such President or officer may, after the village or town in which the house, where the unprotected child or unprotected person resides, is situated, has been duly visited by a vaccinator, call upon—

(*a*) the guardian of such unprotected child or unprotected person to be present for inspection at any time appointed by him between the hours of 7 a.m. and 6 p.m. and to state his age, parentage, place of birth and the duration of his residence in such area, or

(*b*) the guardian of an unprotected, child in a house to produce all the children in the house under his guardianship for inspection at a time appointed by him between the hours of 7 a.m. and 6 p.m. and to state the age, parentage, place of birth and duration of residence in such area of each of such children.

Delivery of or affixing a notice at the house of a guardian or person requiring a child or person to be vaccinated.

15. (1) The President of the District Board, Municipal Corporation, Municipal Committee, or Town Committee, the District Health Officer, the Municipal Health Officer, the Assistant Health Officer and the Medical Officer in charge of a Government or Municipal dispensary shall—

(*a*) if he is aware of the existence of a person or child who is unprotected and is fit for vaccination, or

(*b*) if on a notice given under clause (*a*) of section 14 any person wilfully refuses to be present or any guardian intentionally refuses to produce any child under his care for inspection as required by section 14, or

(*c*) if after inspection it is proved to the satisfaction of the President or officer concerned that any person or child is unprotected and fit for vaccination,

deliver to such person or guardian of the child concerned or if such delivery is not possible, cause to be affixed at the house of

such person or guardian a notice in the prescribed form requiring the person or the child, as the case may be, to be vaccinated at a time and place to be specified in the said notice.

(2) The unprotected person or guardian of the unprotected child to whom notice is given in the manner specified in sub-section (1) shall be bound to comply with it unless a certificate is produced before the President or other officer specified in sub-section (1) from a vaccinator to the effect that such person or child has either been successfully vaccinated already or is unfit for, or insusceptible to vaccination.

Penalty for not vaccinating a child within the age of six months.

16. If an unprotected child who has attained the age of six months after the commencement of this Act remains unvaccinated, the guardian of the child may be served with a notice in the prescribed form by a vaccinator employed by Government or a local authority and if that notice is not complied with, the guardian of the child concerned shall be punishable with fine which may extend to fifty rupees.

Other penalties.

17. (1) Any guardian of an unprotected child or unprotected person who contravenes the provisions of or any directions given under sections 3, 4, 6, 7, 10, 13 and 14 without reasonable cause or gives intentionally wrong information as to age, parentage, guardianship, or address of a child under his care or custody and any vaccinator who neglects to issue any prescribed certificate under this Act shall be punishable with fine which may extend to twenty rupees.

(2) In case of a continuing contravention after a first conviction under sub-section (1) or any non-compliance after service of notice issued under section 15, the person concerned shall be liable to a fine not exceeding one hundred rupees.

Penalty for false certificates.

18. Whoever wilfully signs or procures the signing or making of a false certificate or duplicate certificate under this Act shall be punishable with imprisonment for a term not exceeding one month or with fine not exceeding one hundred rupees or with both.

Penalties for accepting illegal remuneration.

19. If any vaccinator employed by the Government or a local authority accepts or obtains or agrees to accept or attempts to accept any fee or remuneration other than that permitted by rules under this Act, he shall be punishable with imprisonment which may extend to three years or with fine or with both.

Cognizance of offences under this Act.

20. No court shall take cognizance of any offence punishable under this Act or under any rules made thereunder unless a complaint in writing specifying the facts is made against the offender by the President of a District Board, Municipal Corporation, Municipal Committee, or Town Committee, the District or Municipal Health Officer, the Assistant Health Officer, the Medical Officer in charge of a Government, Municipal or District Board Dispensary or any other prescribed officer.

Rules.

21. (1) Government may by notification in the Jarida make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(*a*) provide for the appointment of vaccinators,

(*b*) determine the qualifications required for vaccinators, and regulate the grant of certificates and the course of training for such vaccinators,

(*c*) provide for the guidance of vaccinators and other persons supervising the work of vaccination in matters concerned with the working of this Act,

(*d*) provide for the guidance of the Superintendent of the Vaccine Depot established by Government in the manufacture, storing, testing of lymph, its periodical supply to the vaccinators and maintenance of records of lymph issued from time to time,

(*e*) provide for the kind of lymph to be used for vaccinations under this Act,

(*f*) determine the forms and registers to be maintained by the vaccinators as well as the registers of births in connection with their work under the provisions of this Act,

(*g*) determine the statements to be sent and the authorities to whom they are to be sent by the vaccinators and by the persons in charge of the registration of births under any law for the time being in force,

(*h*) determine the fee or remuneration that may be charged by a vaccinator employed by Government or a local authority, and

(*i*) provide for any other matter that is, under this Act, required to be prescribed.

(3) In making a rule under this section Government may direct that a contravention thereof shall be punishable with fine not exceeding twenty rupees.

Repeal.

22. All statutory provisions and rules and regulations having the force of law, relating to vaccination, which are inconsistent with or repetitions of any of the provisions of this Act, are hereby repealed:

Provided that any appointments made or any notifications or orders issued under the provisions, rules and regulations so repealed shall, so far as they are not inconsistent with this Act, continue in force and be deemed to be made under this Act.

THE HYDERABAD IMPROVED SEEDS AND SEEDLINGS ACT, 1951.

No. XXVIII OF 1951.

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SECTIONS.

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1. Short title, extent and date of commencement.
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4. Provision of seeds and seedlings by Agricultural Department.
5. Powers of the officers of the Agricultural Department to enter upon any land or premises.
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7. Bar of suit or other legal proceedings.
8. Power of Government to make rules.

*THE HYDERABAD IMPROVED SEEDS AND SEEDLINGS ACT, 1951.

No. XXVIII OF 1951.

An Act to provide for the use of pure and certified seeds and seedlings of the improved varieties of crops recommended by the Department of Agriculture in Hyderabad.

Preamble.

WHEREAS it is expedient to provide for the use of pure and certified seeds and seedlings of the improved varieties of crops recommended by the Department of Agriculture in Hyderabad ;

IT is hereby enacted as follows :—

Short title, extent and date of commencement.

1. (1) This Act may be called the Hyderabad Improved Seeds and Seedlings Act, 1951.

(2) It shall extend to the whole of the State of Hyderabad.

(3) It shall come into force on such date or dates and in such areas as the Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different areas.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*i*) " improved seed " means the seed approved by the Department of Agriculture ;

(*ii*) " seedlings " means the plants raised from improved seeds ;

(*iii*) " occupier " means the person having for the time being the right of occupation of any land and includes any person in actual occupation of any land or his agent ;

(*iv*) " authorised agent " means an agent authorised to sell improved seeds or seedlings, only on behalf of the Department of Agriculture.

Power to declare seeds or seedlings of approved varieties of crops and to specify the area and period, and restrict movement.

3. In the areas to which this Act is applied—

(*a*) improved seeds or seedlings only shall be used by each and every occupier ;

(*b*) the movement of improved seeds or seedlings from one area to another may by notification be prohibited or restricted by Government.

*Published in Gazette Extraordinary No. 45, dated 5th October, 1951.

Provisions of seeds and seedlings by Agricultural Department.

4. (1) For the purposes of this Act improved seeds and seedlings shall be made available for sale by the Department of Agriculture, through its authorised agents, who shall stock for sale only improved seeds or seedlings.

(2) An authorised agent shall not withhold from sale improved seeds or seedlings to any occupier.

Powers of the officers of the Agricultural Department to enter upon any land or premises.

5. (1) An Agricultural Assistant on district work, or any officer of the Agricultural Department specially authorised by Government in this behalf may for the more effective enforcement of the provisions of this Act enter upon any land situated in any area to which this Act extends for the purpose of ascertaining whether improved seeds or seedlings have been grown in the land or not.

(2) Any such Agricultural Assistant or officer of the Agricultural Department may enter upon any land or premises owned or occupied by an authorised agent to inspect the seed sold by him or to enquire if he is not withholding any seed from sale to any occupier or to search as far as may be necessary for that purpose the land or premises.

Penalties.

6. (1) If any occupier of land within the area to which this Act applies is found growing a variety of any crop other than a variety approved by the Department of Agriculture, he shall be liable to punishment with a fine which may extend to Rs. 100.

(2) If an authorised agent withholds from sale or wilfully refuses to sell improved seeds or seedlings he shall be punishable with fine which may extend to rupees five hundred.

(3) Any abetment of a breach of the provisions of this Act shall be punishable with fine which may extend to Rs. 100.

(4) No prosecution for any offence under this Act or rules made thereunder shall be instituted except on a complaint in writing made by the Director of Agriculture, Hyderabad, or by an officer specially authorised by him in this behalf.

Bar of suit or other legal proceedings.

7. No suit, prosecution or legal proceedings shall lie against any public servant in respect of anything in good faith done or intended to be done under this Act.

Power of Government to make rules.

8. The Government may from time to time make rules for the purpose of carrying into effect the provisions of this Act and such rules may provide that the breach of any of the rules or abetment thereof shall be punishable with fine not exceeding Rs. 100.

THE HYDERABAD PUBLIC SECURITY MEASURES ACT, 1951.

No. XXIX OF 1951.

CONTENTS.

SECTIONS.

Preamble.

1. Short title, extent and commencement.
2. Power to make orders restricting movements or actions of persons.
3. Contents and duration of the order under sub-section (1) of section 2.
4. Constitution of the Advisory Board and the procedure for consideration by the Board of order under sub-section (1) of section 2.
5. Imposition of Collective fine.
6. Control of camps, parades, etc.
7. Control of publications, etc.
8. Control of commodities, etc.
9. Power to order persons to assist in restoring law and order and preserving property and to furnish information.
10. Delegation of powers and duties of the State Government.
11. Presumption in prosecutions for contravention of orders and privileges of public officers not to disclose facts or to produce documents.
12. Publication and service of orders made under this Act.
13. Power to arrest without warrant.
14. Repeals and savings.
15. Protection of action taken under this Act.
16. Power to make rules.
17. Application of the other laws not barred.

*THE HYDERABAD PUBLIC SECURITY MEASURES ACT, 1951.

No. XXIX OF 1951.

An Act to amend the law relating to public safety, maintenance of public order and the preservation of peace and tranquillity in the State of Hyderabad.

Preamble.

WHEREAS it is expedient to amend the law relating to public safety, maintenance of public order and the preservation of peace and tranquility in the State of Hyderabad;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Public Security Measures Act, 1951.

(2) It shall extend to the whole of the Hyderabad State and shall come into force from the date of its publication in the Jarida.

Power to make orders restricting movements or actions of persons.

2. (1) The State Government may, if it is satisfied in respect of any person that in the interests of the general public it is necessary to do so make an order—

(*a*) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in the State as may be specified in the order;

(*b*) requiring him to reside or remain in such place or within such area in the State as may be specified in the order and, if he is not already there, to proceed to that place or area within such time as may be specified in the order;

(*c*) requiring him to notify his movements or to report himself or to do both in such manner, at such time and to such authority or person, as may be specified in the order;

(*d*) imposing upon him such restrictions as may be specified in the order, in respect of his employment or business or dealings with other persons;

(*e*) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order.

(2) No order under sub-section (1) shall be made directing the exclusion or removal from the State of any person ordinarily resident in the State.

* Published in Gazette Extraordinary No. 45, dated 5th October, 1951.

(3) An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond with or without sureties, for the due observance of the restrictions or conditions specified in the order.

(4) If any person is found in any area or place in contravention of an order made under the provisions or this section, or fails to leave any area or place in accordance with the requirements of such order, he may without prejudice to the provisions of sub-section (5) be removed by any police officer from such area or place.

(5) If any person contravenes any order made under this section he shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such person has entered into a bond in pursuance of the provisions of sub-section (3), his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the court why such penalty should not be paid.

Contents and duration of the order under sub-section (1) of section 2.

3. (1) An order under sub-section (1) of section 2 in respect of any person, shall be served on that person and shall—

(*a*) specify the grounds on which it is issued and such other particulars, if any, as may have a bearing on the necessity therefor ; and

(*b*) fix a period of ten days for the person against whom the order is made to make a representation to the State Government in respect of the issue of the order.

(2) No order against any person under sub-section (1) of section 2 shall remain in force for a longer period than three months unless an Advisory Board constituted under sub-section (2) of section 4 has reported under sub-section (3) of that section before the expiration of the said period.

(3) Nothing in sub-section (1) shall require the State Government to disclose any facts which it considers to be against the public interest to disclose.

Constitution of the Advisory Board and the procedure for consideration by the Board of order under sub-section (1) of section 2.

4. (1) After the expiry of the time fixed in the order for the making of representation in respect of the issue thereof, the State Government shall place before an Advisory Board constituted under sub-section (2) a copy of the order and also of the representation, if any, received before such expiry.

(2) The State Government shall, whenever necessary constitute one or more Advisory Boards and each such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of the High Court, and one of them shall be its Chairman. The Chairman and the other members of each Board shall be appointed by the State Government.

(3) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information as it may deem fit from the State Government, the person against whom the order is made or any other person, submit its report to the State Government.

(4) The report of the Advisory Board shall specify in a separate part thereof its opinion or that of the majority of its members as to whether or not there was sufficient cause for the issue of the order in respect of the person concerned.

(5) Nothing in this section shall entitle any person to attend in person or to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part thereof in which its opinion or that of the majority of its members is specified, shall be confidential:

Provided that the Advisory Board may, if it thinks fit, permit the person against whom the order under sub-section (1) of section 2 has been made, to appear in person but not by a legal practitioner before the Board at any stage of the proceedings referred to in this sub-section.

(6) After considering the report of the Advisory Board, the State Government may confirm, modify or cancel the order, under sub-section (1) of section 2, stating (except where the order is cancelled) the period during which the order as confirmed or modified shall remain in force.

Imposition of collective fine.

5. (1) If it appears to the State Government that the inhabitants or any class or section of inhabitants of any area are concerned in or are abetting the commission of offences resulting or likely to result in death or grievous hurt or loss of or damage to property, or are harbouring persons concerned in the commission of such offences, or are suppressing material evidence of the commission of such offences, or have contravened a general order made under sub-section (1) of section 9, the State Government may by notification in the Official Gazette impose a collective fine on such inhabitants or class or section of inhabitants of that area.

(2) The Commissioner of Police in the City of Hyderabad and the Collector elsewhere may exercise the power conferred by sub-section (1) on the State Government.

(3) The State Government may make rules prescribing the manner in which an order made by the Commissioner of Police or the Collector shall be published.

(4) The State Government or the Commissioner of Police or the Collector, as the case may be, may by general or special order exempt any person or any class or section of such inhabitants from liability to pay any portion of any fine imposed under this section.

(5) The Commissioner of Police or the Collector, as the case may be, shall after such enquiry as he may deem necessary, apportion such fine in such manner as is deemed proper among the inhabitants who are liable collectively to pay it.

(6) In any such apportionment the Commissioner of Police or the Collector, as the case may be, may fix the fine to be paid by a joint or undivided family.

(7) The fine payable by any person (including a joint or undivided family) may be recovered—

(*a*) in the manner provided in the Code of Criminal Procedure, 1898, hereinafter referred to as the Code, for the recovery of fines imposed by a court, as if such fine were a fine imposed by a court:

Provided that the State Government may make rules under this Act regulating the manner in which warrants under section 386 of the Code are to be executed for recovering the fine imposed under this section, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or

(*b*) as arrears of land revenue.

(8) The State Government or the Commissioner of Police or the Collector, as the case may be, may, after making such inquiry as may be deemed necessary, refund either wholly or in part any fine paid by, or recovered from, any person under this section.

(9) The State Government may award compensation out of the proceeds of a fine realised under this section to any person to whom, in its opinion, damage in person or property has been caused by the unlawful acts of the inhabitants of the area.

Control of camps, parades, etc.

6. (1) The State Government may in the interests of public order by general or special order, prohibit or restrict in any area any exercise, movement, evolution or drill of a military nature specified in the order.

(2) With a view to securing that no unauthorised exercise, movement, evolution or drill of a military nature is performed at any place, the State Government may, by general or special order, prohibit, restrict or impose conditions on the holding of, or taking part in, any camp, parade, meeting, assembly or procession, by any class of persons or organisation specified in the order.

(3) If any person contravenes any order made under this section, he shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Control of publications, etc.

7. (1) If the State Government is satisfied that the bringing into the State, or the sale, distribution, circulation, publication or printing within the State of any matter relating to a particular subject or class of subjects will undermine the security of the State or tends to overthrow the State—

(*i*) it may, by order in writing, prohibit either absolutely or for a specified period the bringing into, or sale or distribution or circulation within the State of any newspaper, periodical, book or document specified in the order; or

(*ii*) it may, by order in writing, addressed to a printer, publisher, or editor, or to printers, publishers, or editors, generally—

(*a*) prohibit either absolutely or for a specified period the printing or publication of any matter relating to such subject or class of subjects in any particular issue or issues of a newspaper or periodical or in any other book or document;

(*b*) prohibit or regulate the making or publishing of any document or class of documents or of any matter relating to such subjects or class of subjects;

(*c*) prohibit or regulate the use of any press.

(2) (*a*) If any person contravenes any order made under sub-section (1), then without prejudice to any other proceeding which may be taken against such person, the State Government may declare to be forfeited to the State Government any copy of any newspaper, periodical, book or document bought, sold, distributed, circulated, printed, published or made in contravention of the order.

(*b*) If such newspaper, periodical, book or document was printed at a press within the State, the State Government may also direct such press to be forfeited to the State Government.

(3) If any person contravenes any order or direction made under this section he shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both.

(4) Any person having an interest in any press in respect of which an order has been made under sub-clause (*c*) of clause (*ii*) of sub-section (1), or under sub-section (2), may within two months from the date of such order apply to the High Court to set aside such order. Every such application shall be heard and decided in accordance with the procedure followed in regard to applications under section 34 of the Hyderabad Press Act, 1357 F.

Explanation.—For the purposes of this section "printer" includes a "keeper of a printing press" and "press" shall have the same meaning as is assigned to that word in the Hyderabad Press Act 1357 F.

Control of commodities, etc.

8. (1) If in the opinion of the State Government it is essential for the purposes of the security of the State or the maintenance of public order in the State or any part thereof to restrict the removal of any commodity, article or thing from the State or such part, the State Government may, by general or special order, direct that no person shall remove such commodity, article or thing from the State or without the permission in writing in the City of Hyderabad of the Commissioner of Police and elsewhere of the Collector:

Provided that nothing in this sub-section shall apply to any goods to which the Supply and Prices of Goods Act, 1950 (LXX of 1950) applies.

(2) If any person contravenes any order made under sub-section (1) he shall, on conviction, be punishable with imprisonment for a term which may extend to one year, or with fine or with both.

Power to order persons to assist in restoring law and order and preserving property and to furnish information.

9. (1) The State Government may, in the interests of the security of the State, or of the maintenance of public order or of services essential to the life of the community, by general or special order, direct that the inhabitants within such area as may be specified in the order shall—

(*i*) assist in the maintenance or restoration of public order, or in the protection of property for such period and in such manner as may be specified in the said order,

(*ii*) furnish to any authority or person specified in the said order any information so specified, which is in their possession or of which they could with the exercise of due diligence become possessed.

(2) If any person contravenes any order made under sub-section (1) he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both:

Provided that any court convicting any person for such contravention shall, in determining the punishment to be awarded, take into account the amount, if any, apportioned on such person of any collective fine imposed under section 5.

Delegation of powers and duties of the State Government.

10. The State Government may by order direct that any power or duty which is conferred or imposed on the State Government by or under this Act shall in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged by any officer or authority subordinate to it, not being in the opinion of the State Government below the rank of a Commissioner of Police or a Collector.

Presumption in prosecutions for contravention of orders and privileges of public officers not to disclose facts or to produce documents.

11. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of an order under this Act, on the production of an authentic copy of the order,

(1) it shall, until the contrary, is proved and the proving of which shall lie on the accused, be presumed—

(*a*) that the order was made by the authority competent under this Act to make it;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act; and

(2) no public officer shall be compelled to disclose any fact or to produce any document when he considers that the public interest would suffer by the disclosure of such fact or the production of such document although such fact or document may be relevant to any of the matters contained in the order.

Explanation.—For the purposes of this Act, an authentic copy of the order means a copy certified in a manner prescribed under section 76 of the Indian Evidence Act, 1872, or if this Act requires that the order be published in the Jarida, a copy of the Jarida relating to the publication of the order.

Publication and service of orders made under this Act.

12. (1) Save as otherwise provided by or under this Act, every order made under this Act shall—

(*a*) if it is an order of a general nature or affecting a class of persons, be published in such manner as may, in the opinion of the authority making it, be best adopted for informing the persons affected by the order;

(*b*) if it is an order affecting a corporation be served—

(*i*) on the Secretary or any Director, or other principal officer of the corporation; or

(*ii*) by leaving it or sending it by registered post addressed to the corporation at its registered office or if there is no registered office then at the place where the corporation carries on business;

(*c*) if it is an order affecting a firm, be served—

(*i*) upon any one or more of the partners, or

(*ii*) upon any person having, at the time of service, the control or management of the partnership business at the principal place at which such business is carried on within India; and

(*d*) if it is an order affecting an individual person other than a corporation or a firm, be served on the person—

(*i*) personally, by delivering or tendering to him the order, or

(*ii*) by registered post, or

(*iii*) when the person cannot be found, by leaving an authentic copy of the order with some adult male member of the family, or

(*iv*) by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain.

(2) Where the question arises whether a person was duly informed of an order made in pursuance of this Act, compliance with the requirements of sub-section (1) shall be a conclusive proof that he was informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

Power to arrest without warrant.

13. Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

Repeals and savings.

14. (1) The enactments specified in the following table are hereby repealed to the extent mentioned in the fourth column thereof:—

Enactments Repealed.

Year	No if any	Short title	Extent of repeal
1	2	3	4
1348 F.	XII	The Public Security Act.	The whole except— (1) Section (1) and Chapter III, (2) Section 2 to the extent to which it defines words and expressions used in Chapter III, and (3) Section 36 to the extent to which it applies to offences punishable under Chapter III.
1348 F.	..	The Defence of Hyderabad Regulation, 1348 F.	To the extent to which it enables rules to be made and enforced in relation to matters in respect of which powers are conferred by the Hyderabad Public Security Measures Act 1951.
1858 F.	VIII	The Public Safety and Public Interest Regulation.	The whole.

(2) Every notification issued, or appointment or order made under—

(*i*) the Public Safety and Public Interest Regulation (VIII of 1358 F.), or

(*ii*) a provision of the Public Security Act (XII of 1348 F.) repealed by sub-section (1), or

(*iii*) a rule included in the Defence of Hyderabad Rules which ceases to have effect by reason of the partial repeal of the Defence of Hyderabad Regulation, 1348 F., by sub-section (1),

which was in force immediately before the commencement of this Act, so far as it could validly have been issued or made under this Act, shall continue in force and be deemed to have been issued under this Act until it is superseded or modified by competent authority under this Act, and any proceeding under the said Regulation or Act or under any such rule pending on the date of coming into operation of this Act may be continued as if it were a proceeding under this Act.

Protection of action taken under this Act.

15. No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

Power to make rules.

16. The State Government may by notification in the Jarida and subject to the condition of previous publication make rules to carry out the purposes of this Act.

Application of other laws not barred.

17. The provisions of this Act shall be in addition to and not in derogation of any other Act or Regulation for the time being in force.

THE HYDERABAD CHILDREN ACT, 1951.

No. XXXII OF 1951.

SECTIONS.

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*THE HYDERABAD CHILDREN ACT, 1951.

No. XXXII OF 1951.

An Act to make further provision for the custody and protection of children and for the custody, trial and punishment of juvenile offenders and for certain other purposes.

WHEREAS it is expedient to make further provision for the custody and protection of children and for the custody, trial and punishment of juvenile offenders and for certain other purposes; Preamble.

It is hereby enacted as follows:—

PART I.

Preliminary.

1. (1) This Act may be called the Hyderabad Children Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) This section shall come into force at once; the rest of the Act, or any provision thereof, shall come into force in any area on such date as the Government may, by notification in the Jarida specify.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "brothel" means any house, room or place or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution;

(*b*) "caning" means the punishment of whipping inflicted with a cane less than half an inch in diameter;

(*c*) "certified school" means a school established under sub-section (1) or certified under sub-section (2) of section 5 or any other educational institution certified in this behalf by the Government;

(*d*) "child" means a person under the age of sixteen years and, when used with reference to a child sent to a certified school, applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of sixteen years;

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*Published in Gazette Extraordinary No. 51, dated 22nd November, 1951.

(*e*) "Code" means the Code of Criminal Procedure, 1898;

(*f*) "fit person" in relation to the care of any child includes any society or body-corporate established for the reception or protection of poor children or the prevention of cruelty to the children which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;

(*g*) "guardian" in relation to a juvenile offender or child includes any person who, in the opinion of the court having cognizance of any proceedings in relation to the juvenile offender or child, or in which the juvenile offender or child is concerned has, for the time being, the actual charge of or control over the juvenile offender or child;

(*h*) "juvenile court" means a separate court established under sub-section (1) of section 40 and includes a court hearing charges against children under sub-section (2) of that section;

(*i*) "juvenile offender" means any child who as been found to have committed an offence punishable with transportation or imprisonment;

(*j*) "place of safety" includes any orphanage, hospital, nursing home or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child; or where such orphanage hospital, nursing home or other suitable place or institution is not available, in case of a male child only a police station;

(*k*) "prescribed" means prescribed by rules under this Act;

(*l*) "probation officer" means an officer appointed under section 25.

Powers of courts.

3. The powers conferred on courts by this Act shall be exercised only by—(*a*) the High Court, (*b*) a Court of Session (*c*) a District Magistrate, (*d*) Chief Magistrate, City Magistrate's Court (*e*) any Juvenile Court constituted under section 40; and (*f*) any Magistrate specially empowered by the Government to exercise all or any such powers and may be exercised by such courts whether the case comes before them originally or on appeal or revision.

Procedure when Magistrate is not empowered to pass an order under this Act.

4. (1) When any Magistrate not empowered to pass an order under this Act is of opinion that a child brought before him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child to the District Magistrate to whom he is subordinate or the Magistrate having jurisdiction in the case.

(2) The District Magistrate or the Magistrate to whom the proceedings are so submitted may make such further inquiry, if any, as he may think fit, and may pass such order dealing with the case as he might have passed if the child had originally been brought before or tried by him.

PART II.

Certified Schools and other Institutions.

Establishment and certification of schools.

5. (1) The Government may establish and maintain schools for the reception of children and juvenile offenders.

(2) The Government may certify that any school or other educational institution not established under sub-section (1) is fit for the reception of children or juvenile offenders.

Management of schools.

6. (1) For the control and management of every school established under sub-section (1) of section 5, a superintendent and a committee of visitors shall be appointed by the Government and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

(2) Every school certified under sub-section (2) of section 5 shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

Inspection of schools.

7. (1) The Government may appoint a chief inspector of certified schools and such number of inspectors and assistant inspectors as it thinks advisable to assist the chief inspector; and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Government directs but shall act under the direction of the chief inspector.

(2) Every certified school shall, at least once in every six months, be inspected by the chief inspector of certified schools, or by an inspector or assistant inspector:

Provided that where any such school is for the reception of girls only and such inspection is not made by the chief inspector, the inspection shall, where practicable, be conducted by a woman.

Powers of inspectors.

8. A certified school shall be liable to inspection at all times and in all its departments by the chief inspector or inspector or assistant inspector.

Medical inspection.

9. Any registered medical practitioner empowered in this behalf by the Government may visit any certified school at any time with or without notice to its managers in order to report to the chief inspector on the health of the inmates and the sanitary condition of the school.

Power of Government to withdraw certificate.

10. The Government, if dissatisfied with the condition, rules, management or superintendence of a certified school, may at any time by notice served on the managers of the school, declare that the certificate of the school is withdrawn as from a time specified in the notice and at that time the withdrawal of the certificate shall take effect and the school shall cease to be a certified school:

Provided that the Government may, if it thinks fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of children or juvenile offenders to the school for such time as may be specified in the notice or until the notice is revoked:

Provided further that, before the issue of notice under this section or under the first proviso thereto, a reasonable opportunity shall be given to the managers of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited, as the case may be.

Registration of certificate by managers.

11. The managers of a certified school may, on giving six months' notice in writing to the Government through the chief inspector of their intention so to do, resign the certificate of the school, and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Effect of withdrawal or resignation of certificate.

12. A child or juvenile offender shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate, but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe and feed any children or juvenile offenders detained in the school at the respective dates aforesaid shall, except so far as the Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

Disposal of inmates on withdrawal or resignation of certificate.

13. When a school ceases to be a certified school, the children or juvenile offenders detained therein shall be either discharged absolutely or on such conditions as Government may impose or transferred by order of the Government to some other certified school in accordance with the provisions of this Act relating to discharge and transfer.

Auxiliary, Homes.

14. The Government may establish auxiliary homes for the reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency and the certificate may be withdrawn or resigned in like manner as a certificate of a school and every such home shall, for such purposes as are specified by the Government be treated as a part of the certified school or schools to which it is attached.

Liabilities of managers.

15. The managers of a certified school not established by the Government may decline to receive any child or juvenile offender, proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child or juvenile offender, they shall be deemed to have undertaken to teach, train, lodge, clothe and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Inspection of institutions for reception of poor children.

16. (1) The Government may cause any institution for the reception of poor children supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any department of the Government, to be visited and inspected from time to time at all reasonable hours, by persons appointed by it for the purpose of securing the health and welfare of the children and the sanitation of the premises.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers relating thereto for the aforesaid purposes. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the Government shall, if so desired by the managers of the institution, appoint, where practicable, a person of that denomination to visit and inspect the institution.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

PART III.

Juvenile Offenders.

Bail of children arrested.

17. Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer-in-charge of the police station to which such person is brought may in any case, and shall unless the charge is one of culpable homicide or any other offence punishable with death or transportation, release him on bail if sufficient security is forthcoming, unless for reasons to be recorded in writing the officer believes that such release would bring him into association with any reputed criminal:

Provided that, when any girl apparently under the age of sixteen years is arrested, the officer-in-charge of a police station who has made the arrest or before whom the girl is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the court and to appear in her stead if required at the police station.

Custody of children not discharged on bail after arrest.

18. Where a person apparently under the age of sixteen years having been arrested is not released under section 17 or otherwise, the officer-in-charge of the police station shall cause him to be detained in the prescribed manner until he can be brought before a court.

Remand or committal to custody.

19. A court, on remanding or committing for trial a child who is not released on bail, shall order him to be detained in the prescribed manner.

Attendance at court of parent of child charged wi h an offence, etc.

20. (1) Where a child is charged with any offence or is brought before a court on an application for an order to send him to a certified school, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child is arrested, the officer-in-charge of the police station to which he is brought shall cause the parent or guardian of the child, if he can be found, to be warned to attend at the court before which the child will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child:

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child shall not be required under this section in any case where the child was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

(5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.

Sentences that may not be passed on child.

21. (1) Notwithstanding anything to the contrary contained in any law, no child shall be sentenced to death or transportation or committed to prison:

Provided that a child who is fourteen yearso f age or upwards may be committed to prison where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a certified school and that none of the other methods in which the case may legally be dealt with is suitable.

(2) Nothing contained in sub-section (1) prohibiting the sentence of death or transportation or imprisonment on a child shall apply to offences against any law relating to a matter in List I of the Seventh Schedule to the Constitution of India.

No proceedings under Chapter VIII of the Code against a child.

22. Notwithstanding anything to the contrary contained in the Code no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the Code.

Commitment of child to a certified school.

23. (1) Where a child is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on enquiry that it is expedient so to deal with the child, may order him to be sent to a certified school.

(2) Where prior to the commencement of this Act, a juvenile offender has been sentenced to transportation or imprisonment, the Government may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified school; and thereupon the offender shall be subject to all the provisions of this Act as if he had been originally sentenced to detention in such school.

Power to discharge juvenile offender or to commit him to suitable custody.

24. (1) A court may, if it shall think fit, instead of directing any juvenile offender to be detained in a certified school, order him to be--

(*a*) discharged after due admonition, or

(*b*) released on probation of good conduct and committed to the care of his parent or guardian or other adult relative or other fit person, on such parent, guardian, relative or person executing a bond with or without sureties, as the court may require, to be responsible for the good behaviour of the juvenile offender for any period not exceeding three years and for the observance of such other conditions as the court may impose for securing that the juvenile offender may lead an honest and industrious life. The court may order that the juvenile offender released under this clause be placed under the supervision of a probation officer.

(2) If it appears to the court, on receiving a report from the probation officer or otherwise, that the offender has not been of good behaviour during the period of his probation, it may, after making such enquiry as it deems fit, order the offender to be detained in a certified school.

Appointment of probation officers.

25. (1) A probation officer shall be--

(*a*) any person appointed to be a probation officer by the Government, or

(*b*) any person appointed for this purpose by a society recognised in this behalf by the Government, or

(*c*) when there is no person appointed under clause (*a*) or (*b*), any other person appointed from time to time by the court for any particular case subject to general or special orders of the Government.

(2) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the court which passes any order under this Act in respect of the child is situate.

Duties of probation officers.

26. A probation officer shall, subject to the rules made under this Act and to the directions of the court—

(*a*) visit or receive visits from the child or the juvenile offender at such reasonable intervals as may be specified in the order passed by the court or, subject thereto, as the probation officer may think fit;

(*b*) see that the relative of the child or the juvenile offender as the case may be, or other person to whose care such child or juvenile offender is committed, observes the conditions of the bond;

(*c*) report to the court as to the behaviour of the child or the juvenile offender as the case may be;

(*d*) advise, assist and befriend the child or the juvenile offender and when and where necessary, endeavour to find him suitable employment; and

(*e*) perform any other duty which may be prescribed.

Power to order parent to pay fine, etc., instead of child.

27. (1) Where a child is found to have committed an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the child is under fourteen years of age, order that the fine be paid by the parent or guardian of the child, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code.

(4) A parent or guardian, may appeal against any such order as if it had been an order passed in proceedings against himself.

Detention in the case of certain crimes committed by children.

28. (1) When a child is found to have committed an offence of so serious a nature that the court is of opinion that no punishment which, under the provision of this Act, it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(2) Notwithstanding the provisions of section 21, the Government may order any such child to be detained in such place and on such conditions as it thinks fit and while so detained the child shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

Methods of dealing with children charged with offences.

29. (1) Where a child charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether—

(*a*) by discharging the offender after due admonition; or

(*b*) by committing the offender to the care of his parent, guardian, other adult relative, or other fit person on such parent, guardian, relative or person executing a bond to be responsible for his good behaviour; or

(*c*) by so discharging the offender and placing him under the supervision of a person named by the court; or

(*d*) by releasing the offender on probation of good conduct; or

(*e*) by sending the offender to a certified school; or

(*f*) by sentencing the offender to caning, administered by way of cuts not exceeding six on each hand in cases where the conduct of the offender has been such as to lead the court to believe that no other punishment would be effective; or

(*g*) by ordering the offender to pay a fine; or

(*h*) by ordering the parent or guardian of the offender to pay a fine; or

(*i*) where the offender is a child of fourteen years of age or upwards, by sentencing him to imprisonment; or

(*j*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

(2) Where a child is charged with an offence punishable with fine only, and is dealt with under clause (*g*) of sub-section (1), the court may in default of payment of fine order the offender to be sent to a certified school for a period not exceeding three years.

Investigation of character and circumstances.

30. For the purpose of determining the sentence or order which a court ought to pass or make under this Part against any person tried by or brought before it, the court shall, after recording its findings on the facts of the case, have regard to the character of the person and the circumstances in which he is

living as disclosed by the facts of the case or, on further inquiry, by any other evidence or information.

PART IV.

Measures for the Custody and Protection of Children who are destitute, etc.

Children found homeless, destitute, etc.

31. (1) Any police officer or other person authorised in this behalf in accordance with rules made by the Government may bring before a court any person who, in his opinion, is a child and who—

(*a*) has no home, settled place of abode or visible means of subsistence, or has no parent or guardian who exercises regular and proper guardianship ; or

(*b*) is found destitute and his parents or surviving parent or other guardian, or, in the case of an illegitimate child, his mother or other guardian are or is, as the case may be, undergoing transportation or imprisonment ; or

(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of such person ; or

(*d*) frequents the company of any reputed thief or prostitute ; or

(*e*) is lodging or residing in or frequenting a house used by a prostitute for the purpose of prostitution ; or

(*f*) is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime :

Provided that when any such child has a parent or guardian who has the actual charge or control over the child, the police officer or other person as aforesaid shall, in the first instance, make a report to the nearest court or magistrate having jurisdiction under this Act. Such court or magistrate may call upon such parent or guardian to show cause why the said child should not, during the pendency of the proceedings, be removed from his care ; and may, on suitable sureties being offered for the safety of such child and for his being brought before the court, permit the child to remain in the actual charge or control of his parents or guardian, or may order his removal till the court passes orders under this Act.

(2) The court before which a child is brought as coming within one of these descriptions shall examine the information and record the substance of such examination, and shall, if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry.

(3) On the date fixed for the production of the child or for the inquiry, or on any subsequent date to which the proceedings may be adjourned, the court shall hear and record all

evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed, and make any further inquiry it thinks fit.

(4) If the court is satisfied on the inquiry that such person is a child and is as described within the provisions of sub-section (1) and that it is expedient so to deal with him, the court may order him to be sent to a certified school or may order him in the prescribed manner to be committed to the care of a relative or other fit person named by the court, such relative or other person being willing to undertake such care, until such child attains the age of eighteen years or for any shorter period.

(5) The court which makes an order committing a child to the care of a relative or other fit person may, when making such order, require such relative or other person to execute a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life.

(6) The court which makes an order committing a child to the care of a relative or other fit person, under this section may, in addition, order that he be placed under the supervision of a probation officer or other person named by the court:

Provided that, when the magistrate thinks fit he may allow such child to remain in the custody of a parent or guardian with a direction that he be placed under the supervision of a probation officer or other person named by the court on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court, and the court may from time to time adjourn the inquiry and compel the production of the child in court to satisfy it that the said undertaking is being carried out.

Uncontrollable children.

32. Where the parent or guardian of a child proves to a court that he is unable to control the child and that he desires the child to be sent to a certified school, the court, if satisfied on enquiry that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

PART V.

Maintenance and Treatment of Persons sent to Certified Schools or committed to the care of relatives or other fit persons.

Contribution of parents.

33. (1) The court which makes an order for the detention of a child or juvenile offender in a certified school or for the committal of a child or juvenile offender, to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, or juvenile offender, to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The court before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the child or juvenile offender and shall record the evidence, if any, in the presence of the parent or such other person as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader.

(3) Any order made under this section may from time to time be varied by the court.

(4) The persons liable to maintain a child or juvenile offender shall for the purpose of sub-section (1) include in the case of illegitimacy his putative father:

Provided that where the child or juvenile offender is illegitimate and an order for his maintenance has been made under section 488 of the Code, the court shall not ordinarily make an order for contribution against the putative father,but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them, as the case may be, towards the maintenance of the child or juvenile offender.

(5) Any order under this section may be enforced in the same manner as an order under section 488 of the Code.

Boarding out of children.

34. The manager of a certified school to which a child under the age of eight years is sent may, with the consent of the chief inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the chief inspector, as the managers consider to be advisable in the interest of the child,subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed ; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the Government.

Placing out on licence.

35. (1) Where a child or juvenile offender is detained in a certified school, the managers of the school may at any time, with the consent of the chief inspector, by licence permit the child or juvenile offender on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train for some useful trade or calling.

(2) Subject to the prescribed conditions, the chief inspector may, on the recommendation of the visitors or managers of a certified school, at any time after the expiration of six months from the commencement of the detention of a juvenile offender in a certified school, and if satisfied that there is a reasonable probability that the juvenile offender will abstain from crime and lead a useful and industrious life, release such offender from the school and grant him a written licence in the prescribed form and

on the prescribed conditions, permitting him to live under the supervision and authority of such responsible person or society approved by the chief inspector as may be willing to take charge of the offender.

(3) Any licence granted under sub-section (1) or (2) shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(4) The managers of the school or the chief inspector, as the case may be, may at any time by order in writing revoke any such licence, and order the child or juvenile offender to return to the school and shall do so at the desire of the person or society with whom or under whose supervision the child or juvenile offender is licensed to live. If the child or juvenile offender refuses or fails to return to the school, the managers of the school or the chief inspector, as the case may be, may, if necessary, arrest or cause to be arrested, the child or juvenile offender and take him or cause him to be taken back to the school.

(5) When a licence has been revoked or forfeited and the child or juvenile offender refuses or fails to return to the school the court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or juvenile offender, issue a summons requiring the parent or guardian to attend at the court on such a day as may be specified in the summons and to produce the child or juvenile offender; and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(6) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code.

(7) The time during which a child or juvenile offender is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school:

Provided that, where a child or juvenile offender has failed to return to the school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

Penalty for abetting escape of juvenile offender or child.

36. Whoever—

(*a*) knowingly assists or induces, directly or indirectly, a child or juvenile offender detained in or placed out on licence from a certified school to escape from the school or from any person with whom he is placed out on licence, or any child to escape from the person to whose care he is committed under the provision of this Act;

(*b*) knowingly harbours, conceals, or prevents from returning to school or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child, or juvenile offender, who has so escaped, or knowingly assists in so doing—

shall be punsihable with imprisonment of either description for a term which may extend to two months or with fine which may extend to two hundred rupees, or with both.

Period of detention.

37. The period for which a child or juvenile offender is to be detained in a certified school shall be specified in the order in pursuance of which he is sent there, and shall be such period not being less than two years in the case of a juvenile offender who at the date of the order is over the age of fifteen years and three years in the case of other juvenile offenders as to the court may seem proper for his teaching and training, but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of eighteen years.

Discharge.

38. (1) The Government may at any time order a child or juvenile offender to be discharged from a certified school, either absolutely or on such conditions as the Government approves.

(2) The Government may at any time in its discretion discharge a child from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the Government approves, and may, if it thinks fit, make rules in relation to children so committed to the care of any person and to the duties of such person with respect to such children.

Transfer from one certified school to another.

39. The chief inspector may direct any child or juvenile offender to be transferred from one certified school to another:

Provided that the total period of detention of the child or juvenile offender shall not be increased by such transfer.

PART VI.

Juvenile Courts.

Juvenile courts.

40. (1) The Government may provide for the establishment in any area of one or more separate courts for the conduct of proceedings under this Act at which the attendance of the child is required:

Provided that, where a child is accused of an offence triable jointly with any other person not being a child, nothing in this sub-section shall affect or be deemed to affect the powers of the court to try such other person under any other law for the time being in force.

(2) Where no such separate court has been established, the court before which a child is brought shall, unless the child

is tried jointly with any other person not being a child, whenever practicable sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sitting are held.

PART VII.

Offences against Children and their Prevention.

Punishment for cruelty to children.

41. (1) Whoever having the actual charge of or control over a child abandons, exposes or wilfully neglects or illtreats such child in a manner likely to cause such child unnecessary suffering or injury to his health, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section, injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent, guardian or other person legally liable to maintain a child shall be deemed to have neglected the child in a manner likely to cause injury to the child's health if the parent, guardian or other person wilfully fails to provide, according to his means, adequate food, clothing, medical aid or lodging for the child.

(3) A person may be convicted of an offence under this section notwithstanding that actual suffering or injury to health was obviated by the action of another person.

(4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.

Causing or allowing child to beg.

42. (1) Whoever for his own profit causes any child or, having the actual charge of or control over a child, allows that child to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

(2) The Government may by Notification in the Jarida, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

Penalty for being drunk while in charge of a child.

43. If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years, and if such person is incapable, by reason of his drunkenness, of taking due care of the child, he may be arrested and shall if the child is under that age, be punishable with fine which may extend to fifty rupees.

Presumption as to age of child.

Explanation.— For the purposes of this section, a child shall be deemed to be under the age of seven if it appears to the court to be under that age unless the contrary is proved.

Penalty for giving intoxicating liquor to a child.

44. Whoever in any highway or other public place, whether a building or not, or on any licensed premises gives or causes to be given, to any child any intoxicating liquor except upon the order of a duly qualified medical practitioner, or in case of sickness or other urgent cause, shall be punishable with fine which may extend to fifty rupees.

Seizure by police officer of any bidis, cigarettes, tobacco, or smoking mixture in possession of a child.

45. (1) It shall be the duty of a police officer to seize any bidis, cigarettes, tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government; and every such police officer shall be authorised to search any boy so found smoking but not a girl.

(2) It shall be the duty of a police officer finding a child smoking or in possession of any bidis, cigarettes, tobacco or smoking mixture in any street or public place, to see that information of the fact is given to the child's parent or guardian.

(3) Whoever sells any bidis, cigarettes, tobacco or any kind of smoking mixture to a child or causes or encourages a child to smoke shall be punishable with imprisonment for a term not exceeding one month or with fine not exceeding one hundred rupees or with both.

Penalty for inciting a child to bet or borrow.

46. Whoever, by words either spoken or written or by signs, or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction or so incites or attempts to incite a child to borrow money or to enter into any transaction involving the borrowing of money, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for taking pawn from a child.

47. Whoever takes an article in pawn from a child, whether offered by that child on his own behalf or on behalf of any other person, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Allowing child to be in brothel.

48. Whoever having the actual charge of, or control over, a child between the age of four and sixteen, allows that child to reside in or frequent a brothel, shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or encouraging seduction, etc., of young girls.

49. (1) Whoever, having the actual charge of or control over a girl under the age of sixteen years, causes or encourages the seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with

her, shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse with, a girl who has been seduced or become a prostitute or with whom such sexual, intercourse has been had, if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

Young girls exposed to risk of seduction, etc., or cruelly treated.

50. If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution, or living a life of prostitution, the court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.

Detention of child in a place of safety.

51. (1) Any police officer not below the rank of Sub-Inspector, or a police officer or a person authorised in this behalf in accordance with rules made by the Government, may take to a place of safety any child in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code has been, or there is reason to believe has been, committed.

(2) A child so taken to a place of safety and also any child who seeks refuge in a place of safety may there be detained until he can be brought before the court, bu t such detention shall not, in the absence of a special order of the court, exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court, and the court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction, discharge or acquittal of such person.

(3) Where it appears to the court that an offence as aforesaid has been committed in respect of any child who is brought before the court and that it is expedient in the interest of the child that an order should be made under this sub-section, the court may make such order as circumstances may admit and require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and, if a charge is made against any person within that time, until the charge has been determined by the conviction, discharge or acquittal of that person and, in case of conviction, for such further time not exceeding one month as the court which convicted may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child.

Disposal of child by order of court.

52. (1) Where any person having the actual charge of or control over a child has been—

(*a*) convicted of committing in respect of such child an offence punishable under this Act or under Chapter XVI of the Indian Penal Code; or

(*b*) committed for trial for any such offence; or

(*c*) bound over to keep the peace towards such child, by any court,

that court may, either at the time when the person is so convicted, committed for trial or bound over or at any other time order that the child be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of eighteen years or for any shorter period, and that court or any court of like jurisdiction may, of its own motion, or on the application of any person, from time to time by order renew, vary and revoke any such order.

(2) The court which makes an order committing a child to the care of a relative or other fit person under this section may require such relative or other person to execute a bond, with or without sureties, to be responsible for the good behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life and, in addition, order that the child be placed under the supervision of a probation officer or other person named by the court.

(3) If the child has a parent or legal guardian, no order shall be made under this section unless—

(*i*) the parent or legal guardian has been convicted of or committed for trial for the offence, or has been bound over to keep the peace towards the child or cannot be found; or

(*ii*) the court has reason to believe that the parent or legal guardian has either been party or privy to the offence or has by any act or omission facilitated the offence, or is otherwise unfit to have the care of the child:

Provided that, if the court thinks fit, it may on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court, allow such child to remain in the custody of such parent or legal guardian subject to the supervision of a probation officer or other person named by the court.

(4) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child and the consent of any person to undertake the care

of the child in pursuance of any such order shall be taken in such manner as the court may think sufficient to bind him.

(5) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(6) The court may, instead of ordering the child to be committed to the care of a relative or other fit person, order that the child shall be sent to a certified school.

Warrant to search for child illtreated.

53. (1) If it appears to a magistrate duly empowered under this Act, from information on oath or solemn affirmation laid by any person who, in the opinion of the magistrate, is acting in the interests of a child, that there is reasonable cause to suspect that--

(*a*) the child has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child unnecessary suffering or to be injurious to his health ; or

(*b*) that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code has been or is being committed in respect of the child,

the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child is, to produce forthwith the said child in court, or may issue a warrant authorizing any police officer named therein to search for such child, and, if it is found that he has been or is being wilfully ill-treated or neglected in the manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child, to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police officer to remove the child with or without search, to a place of safety and detain him there until he can be brought before the magistrate ; and the magistrate before whom the child is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose charge or control he was had been committed for trial for an offence punishable under this Act :

Provided that, if the said child is in the custody or control of a parent or guardian who, being a female, does not, according to the customs and manners of the country, appear in public, the magistrate shall ordinarily issue a summons, and the person to whom such summons is issued shall be deemed to have complied with the summons if instead of personally attending in court she causes the said child to be produced in the court.

(2) A magistrate issuing a warrant under this section may in his discretion by the same warrant, direct that any

person accused of any offence in respect of the child be apprehended and brought before him, or direct that, if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(3) The police officer executing the warrant shall be accompanied by the person laying the information on such person so desires and may also, if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(4) In any information or warrant under this section, the name of the child shall be given if known.

Compensation for false and frivolous or vexatious information.

54. (1) If, in any case in which an information has been laid by any person under the provisions of section 53, the magistrate, after such inquiry as he may deem necessary, is of opinion that such information was false and either frivolous or vexatious, the magistrate may, for reasons to be recorded in writing, direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

(2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of thirty days.

(4) When any person is imprisoned under sub-section (3), the provisions of sections 68 and 69 of the Indian Penal Code shall, so far as may be, apply.

(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him, but any amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a trial held by the magistrate directing the payment of compensation.

(7) When an order for the payment of compensation is made in a case which is subject to appeal under sub-section

(6), the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided; and where such order is made in a case which is not subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.

PART VIII.

Prohibition of Publication of Names, Addresses or other details concerning Children involved in Offences.

Penalty for publishing names and addresses of children involved in offences.

55. (1) No report in any newspaper or news-sheet of any offence by or against a child or of any proceedings in any court relating to such offence shall disclose the name, address or school, or include any particulars calculated to lead to the identification, of any such child, nor shall any picture be published as being or including a picture of any such child.

(2) Any person who publishes any report or picture in contravention of the provisions of this section shall be punishable with imprisonment of either description for a term not exceeding two months or with fine or with both.

PART IX.

Miscellaneons.

Provision as to religion.

56 (1) In determining the certified school to which a child or juvenile offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or juvenile offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining the person to whose care a child shall be committed under this Act, the court shall ascertain the religious denomination of the child, and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as seems to the court sufficient that the child will be brought up in accordance with the religion of the child and such religion shall be specified in the order.

(3) In any case where a child has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or who will give such undertaking as aforesaid is willing to undertake the care of the child make an order committing him to the care of such fit person.

(4) When a child is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child entrusted to him will be brought up in his religion (for want of a certified school or person of the religion of the child), the court shall take an undertaking from such school or such person that the child shall not be brought up in any religion other than his own.

(5) Where a child is boarded out or where a child or juvenile offender is permitted by licence to live with any other person, the manager of the school shall select for this purpose a person of the same religion as the child, or juvenile offender, as the case may be, if such person is available, and if no such person is available then a person who gives a satisfactory undertaking that the child or juvenile offender shall be brought up in accordance with the religion of such child, or juvenile offender, and if no such person is available then another person within the provisions of section 34 or 35, as the case may be.

(6) When a child has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3).

(7) Whenever any person interested in the religion of the child is informed of any attempt at conversion or tampering with his religion, he may apply to the court for an enquiry, and the court on being satisfied may issue an order removing the said child from the custody of such institution or person and hand over the custody to another fit person or institution.

Committal to an approved place of a child suffering from venereal or tubercular disease.

57. When a child who has been brought before a magistrate under any of the provisions of this Act, is found to be suffering from a venereal or tubercular disease, the magistrate, if satisfied that medical treatment is necessary and the child will not otherwise get such treatment, may commit the child to an approved place for such period as he may think necessary, and may from time to time extend the said period.

Removal of disqualification attaching to convictions for offences.

58. When a child is found to have committed any offence, the fact that he has been so found shall not have any effect under section 565 of the Code, or section 75 of the Indian Penal Code, or operate as a disqualification for office or election under any law.

Control of custodian over child.

59. Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance, and the child shall continue in his care notwithstanding that he is claimed by his parent or any other person.

Bonds taken under the Act.

60. The provisions of Chapter XLII of the Code shall, so far as may be, apply to bonds taken under this Act.

61. (1) An appeal from an order made by a court under sections 28, 31, 32, 33, 35, 41, 42, 43, 44, 46, 47, 48, 49, 52, or 56 shall lie— Appeals.

(*a*) if passed by a juvenile court or a Magistrate except the District Magistrate, to the District Magistrate;

(*b*) if passed by any District Magistrate, to the court of Session; and

(*c*) if passed by a Court of Session, to the High Court.

(2) No appeal shall lie from any order passed in any such appeal.

(3) Any order passed under the provisions of this Act and not subject to appeal under sub-section (1) may be revised by the High Court.

62. Without prejudice to the powers of courts of appeal and revision, any custody order, supervision order or probation order may be amended by the court which made the order, in respect of the person named as custodian, supervisor or probation officer, the periods of duration, and such matters of detail as may be prescribed. Powers to amend orders.

63. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act. Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

(*a*) the establishment and maintenance of certified schools and auxiliary homes, and the certification of schools as certified schools and of auxiliary homes;

(*b*) the management of certified schools and auxiliary homes;

(*c*) the appointment of visitors and their tenure of office;

(*d*) the inspection of certified schools;

(*e*) the maintenance, education and industrial training of the inmates of certified schools;

(*f*) the conveyance of juvenile offenders and children to certified schools;

(*g*) the grant of permission to the inmates of certified schools to absent themselves for short periods;

(*h*) visits to and communication with the inmates certified schools;

(*i*) the punishment of offences committed by the inmates of certified schools;

(*j*) the inspection of the institutions referred to in section 16;

(*k*) the manner of detention of children under arrest or remanded or committed for trial;

(*l*) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;

(*m*) the persons who may be authorised to act under section 31 or 51;

(*n*) the manner in which a child may be committed to the care of a relative or other fit person, and the duties of such persons and supervision of such children;

(*o*) the conditions subject to which a juvenile offender may be released on licence under sub-section (2) of section 35 and the form and conditions of such licence;

(*p*) the manner in which the juvenile offender may be released on probation;

(*q*) matters incidental to the appointment, resignation and removal of probation officers and the remuneration and expenses payable to them;

(*r*) the duties of probation officers;

(*s*) the conditions on which societies may be recognized by the Government for providing probation officers;

(*t*) the contribution by parents and other persons liable to maintain juvenile offenders and children;

(*u*) the boarding out of children and the licensing and supervision of children, and juvenile offenders and the submission of reports regarding them;

(*v*) the procedure to be adopted in juvenile court; and

(*w*) the time within which appeals under section 61 shall be filed.

(3) All rules made under this section shall be published in the Jarida and on such publication they shall have the same effect as if enacted in this Act.

Savings in respect of Act IX of 1343 F.

64. Save as expressly provided in this Act, the provisions thereof shall be in addition to and not in derogation of the provisions of the Children Protection Act of 1343 F. (IX of 1343 F.).

Power to exempt any class of children or juvenile offenders.

65. The Government may by notification in the Jarida direct that all or any of the provisions of this Act shall not apply to any class of children or juvenile offenders in the whole of the State of Hyderabad or in any particular area thereof.

Repeal of the Hyderabad Act VIII of 1322 F., in any area in which this Act comes into force.

66. (1) The provisions of the Hyderabad Reformatory Schools Act (VIII of 1322 F.) and sections 29-B and 399 of the Code shall cease to apply to any area in which the provisions of this Act have been brought into force.

(2) Any juvenile offenders detained in a reformatory school in any area in pursuance of an order passed by a court under the Hyderabad Reformatory Schools Act (VIII of 1322 F.) immediately preceding the date on which the said Act ceases to apply to the said area under sub-section (1) shall, from such date, be deemed to have been ordered to be detained as if such juvenile offender was originally dealt with under this Act and the

reformatory school in which he was detained shall be deemed to be a certified school established under this Act. Any order of detention of such juvenile offender under the Hyderabad Reformatory Schools Act (VIII of 1322 F.) shall from such date be deemed to be an order passed under the corresponding provision of this Act and the provisions of this Act shall, so far as may be, apply to such juvenile offender accordingly.

Repeal.

67. The Hyderabad Children Act (XIV of 1354 F.) is hereby repealed.

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